

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.854 of 2017

A.K. Chouhan, S/o S.P. Chouhan, aged about 56 years, Up Anekshan Sahkari Samitiyan, Balodabazar, The-then Incharge Officer, Office at Assistant Registrar (Anekshak) Sahkari Samiti, Chhattisgarh Development Grih Nirman Sahkari Samiti, Bhilai-03, Charoda, District Durg (C.G.)

(Defendant No.1)
---- Petitioner

Versus

1. Mukesh Kumar Meghani, S/o late Ghanshyam Das Meghani, R/o Gali No.1, Fafadih Naka, Raipur, District Raipur (C.G.) Member, Chhattisgarh Development Grih Nirman Sahkari Samiti, Bhilai-03, Charoda, District Durg (C.G.)

(Plaintiff)

2. Smt. Ram Kumari Banchhor (wrongly written as Raj Kumar Banchhor), W/o Shri Shambhu Dayal Banchhor, R/o Village Selud, Tahsil Patan, District Durg (C.G.) Illegal Purchaser Plot No. MC-15, Bhukhand No.49, Bhilai-03, Charoda, District Durg (C.G.)

(Defendant No.2)
---- Respondents

For Petitioner: Mr. B.P. Banjare, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/11/2018

1. In a suit filed by respondent No.1 herein / plaintiff, the present petitioner / defendant No.1 filed objection that for want of notice under Section 94 of the Chhattisgarh Co-operative Societies Act, 1960 (for short, 'the Act of 1960'), the suit is not maintainable, which has been rejected by the trial Court and which has been questioned in this writ petition.
2. Learned counsel for the petitioner / defendant No.1 submits that the order impugned is unsustainable and bad in law.
3. The trial Court has clearly recorded a finding that notice under Section

94 of the Act of 1960 has been issued by the plaintiff and as such, there is no ground to uphold the objection. The said finding recorded by the trial Court is based on the material available on record that notice under Section 94 of the Act of 1960 has been issued, in which I do not find any jurisdictional error or illegality. The writ petition deserves to be and is accordingly dismissed. No order as to cost(s).

4. A copy of this order be sent to the trial Court.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma