

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2386 of 2018**

- Manoj Kumar Nayak S/o Shri Mohanlal Nayak Aged About 44 Years R/o Village Jhanakpur, Post- Bamkela, Tahsil Bamkela, District- Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Co-operative, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. Chhattisgarh Co-operative Election Commission, Through- Secretary, Near Ghadee Chowk, Raipur, Chhattisgarh
3. The Registrar Chhattisgarh State Co-operative Societies, Indrawati Bhawan, Block-B, Second And Third Floor, Naya Raipur, Chhattisgarh
4. Chhattisgarh State Co-operative Dairy Federation Through Its Managing Director, Urla, Police Station Bmy Charol District Durg, Chhattisgarh.....(Registration No. 184/28.07.1983).
5. Returning Officer Chhattisgarh State Co-operative Dairy Federation, Raipur, Chhattisgarh
6. Shri Rasik Parmar Authorized Officer Cum Ex Chairman, Chhattisgarh State Dairy Co-operative Federation Ltd. Village- Urla, Post- BMY Charoda, Police Station Charoda, District- Durg, Chhattisgarh

---- Respondent**WPC No. 1608 of 2016**

- Manoj Kumar Nayak S/o Shri Mohanlal Nayak, Aged About 42 Years R/o Village Jhanakpur, Post Bamkela, Tahsil Bamkela, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Agriculture Production Commissioner, Department Of Pashudhan, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh

2. State Of Chhattisgarh, Through Secretary, Department Of Cooperative, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
3. The Registrar, Chhattisgarh State Cooperative Societies, Indrawati Bhawan, Block B, Second And Third Floor, Naya Raipur, Chhattisgarh
4. The Director, Directorate Of Pashudhan Department, Indrawati Bhawan, Naya Raipur, Chhattisgarh
5. Chhattisgarh Cooperative Election Commission, Through Secretary, Near Ghari Chowk, Raipur, Chhattisgarh
6. Chhattisgarh State Cooperative Dairy Federation Ltd, Through Its Managing Director, Urla, P.S. BMY, Charouda, District Durg, Chhattisgarh
7. Shri Rasik Parmar, Authorized Officer Cum Ex Chairman, Chhattisgarh State Dairy Cooperative Federation Ltd., Village Urla, Post B M Y Charoda, P.S. Charoda, Distt. Durg, Chhattisgarh
8. Dr. S. S. Gaharwar Retired Director Of Veterinary Service, Managing Director, Chhattisgarh State Dairy Cooperative Federation Maryadit, Village Urla, Post B M Y, Charoda, P.S. Charoda, Distt. Durg, Chhattisgarh

---- Respondent

WPC No. 2360 of 2018

- Nagendra Rai S/o Chandrika Prasad Rai, Aged About 52 Years R/o Lalkhandan, Mahmand, Atal Bazar, Rajbanshi Bhawan, Police Station Torwa, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Co - Operative Mahanadi Mantralaya Naya Raipur , Post Office And Police Station Naya Raipur District Raipur Chhattisgarh.,
2. Registrar, Co - Operative Societies, Block -B, 2nd And 3rd Floor, Departmental Head Office Indrawati Bhawan Naya Raipur Post Office And Police Station Naya Raipur District Raipur Chhattisgarh
3. Chhattisgarh State Co - Operative Dairy Federation Ltd., Through Its Managing Director , Urla, Police Station BMY Charouda, District Durg Chhattisgarh. (Registration No. 184/28.07.1983)

4. Returning Officer, Chhattisgarh Rajya Sahakari Dugdh Mahasangh Maryadit Raipur Regn. No. 184 District Raipur Chhattisgarh.
5. Umesh Tiwari, Returning Officer, Chhattisgarh Rajya Sahakari Dugdh Mahasangh Maryadit, Raipur Regn. No. 184 District Raipur Chhattisgarh
6. Authorised Officer, Chhattisgarh Rajya Sahakari Dugdh Mahasangh Maryadit, Raipur , Regn. No. 184, District Raipur Chhattisgarh
7. Rasique Parmar, Authorized Officer, Chhattisgarh Rajya Sahakari Dugdh Mahasangh Maryadit, Raipur Regn No. 184 District Raipur Chhattisgarh.
8. Chhattisgarh State Cooperative Election Commission, Raipur Chhattisgarh.

---- Respondent

For Respective Petitioners

Mr. Neeraj Choubey and Mr. Rakesh Jha, Advocates

For Respective Respondents

Mr. AS Kachhwaha, Additional Advocate General, Mr. Rajeev Shrivastava , Mr. Prafull Bharat and Ms. Shaileja Shukla, Advocate on behalf of Mr. YS Thakur, Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

10/9/2018

1. Heard.
2. The respondents' counsel would submit that the writ petitions have been rendered infructuous because during pendency of the writ petitions, the elections have already taken place.

3. Admittedly, the election to the Board of Directors of the *Chhattisgarh Rajya Sahkari Dugdh Mahasangh Maryadi*, Raipur has already taken place during pendency of the writ petitions.
4. It is also not disputed that to challenge the result of the election, a candidate or a voter or any aggrieved person who has locus to maintain an Election Petition can raise a dispute under Section 64 of Chhattisgarh Cooperative Societies Act, 1960 (in short "the Act, 1960").
5. Therefore, in view of the law laid down in the matter of **Shaji K. Joseph Vs. Vishwanath and others, (2016) 4 SCC 429**, the petitioners should avail the remedy of raising a dispute before the jurisdictional authority under Section 64 of the Act, 1960.
6. Let the petitioners raise such dispute within one month from today, on which, the Election Tribunal under the Act, 1960 shall decide the dispute within a period of 6 months from the date of filing of the dispute before the Election Tribunal.
7. The writ petitions are accordingly disposed of with the aforesaid observations.

Sd/-

(Prashant Kumar Mishra)

Judge

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