

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2723 of 2018

- Rajesh Chopda S/o Shri Moolchand Jee Chopda Aged About 46 Years R/o Station Road, Balod, Tahsil And District Balod, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Prathmik Laghu Vanopaj Sahkari Society Maryadit Through Its Officer- In- Charge/ Chairman, Balod, Tahsil And District Balod, Chhattisgarh
3. Yagyadatt Sharma S/o Rameshwar Prasad Aged About 50 Years R/o Amapara, Balod, Tahsil And District Balod, Chhattisgarh
4. Lochan Ram S/o Hincharam Aged About 45 Years R/o Village Devatarai, Tahsil And District Balod, Chhattisgharh
5. Returning Officer D K S Mourya , District Forest Officer, Guroor, District Balod, Chhattisgarh
6. Chhattisgarh State Cooperative Tribunal Bilaspur Camp Court , Raipur, Chhattisgarh
7. Registrar Cooperative Societies, Chhattisgarh, Indravati Bhawan, New Raipur, District Raipur, Chhattisgarh
8. Sub- Registrar Cooperative Societies, Balod, District Balod, Chhattisgarh

---- Respondents

For Petitioner

Shri Malay Shrivastava, Advocate

For Respondent-State

Shri Shashank Thakur, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

09/10/2018

1. Petitioner had earlier preferred WP (PIL) to challenge the election of the respondent Nos.3 & 4 to the Primary Laghu Vanopaj Sahkari Samiti Maryadit, Balod, however, PIL was withdrawn with liberty to file appropriate election petition. Thereafter, the petitioner moved before the jurisdictional Deputy Registrar under Section 64 of the Chhattisgarh Cooperative Societies Act, 1960, which has now been dismissed concurrently by the Deputy Registrar and Superior Cooperative Authorities for the reason that the petitioner not being a member or beneficiary of the said society, he has no locus to maintain an election petition.
2. Having heard learned counsel for the petitioner and having gone through the papers, it appears, the Authorities are absolutely justified in taking stand that the petitioner has no locus to maintain the election petition. When election to a society is governed under the Act, Rules and Regulations, remedy is also provided to the person who is aggrieved by such election. A stranger to the society cannot maintain an election petition, because the same is not to be used as a petition in the nature of PIL.
3. There is no substance in this petition. It fails and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge