

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3054 of 2018**

- Kanhaiya Lal Rathore S/o Late Harishankar Rathore Aged About 74 Years R/o Ward No. 17, Near Santoshi Mandir, Station Road, Sakti, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. Co-operative Marketing Society Limited Sakti, Through President Cooperative Marketing Society Limited, Sakti, District Janjgir Champa Chhattisgarh
2. Recovery Officer, Chhattisgarh Cooperative Societies, Head Office Janjgir, District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner

Mr. GK Mirri and Mr. Basant Kaiwartya,
Advocates**Order On Board By****Hon'ble Mr. Justice Prashant Kumar Mishra****12/11/2018**

1. Heard.
2. In petitioner's earlier writ petition i.e. WP No.2946/2016, the following order was passed on 30.11.2016 :

"1. Learned counsel for the petitioner would submit that the Registrar, Cooperative Societies, Chhattisgarh, has passed an order in petitioner's favour on 25.07.2002, however, the said order has not yet been given effect to. He would submit that the petitioner moved an application under Rule 62(2) of the C.G. Cooperative Societies Rules, 1962, for execution of the order, however, the Recovery Officer is not proceeding in the

matter.

2. Considering the entire facts' situation of the case, the writ petition is disposed of with a direction that the Recovery Officer shall proceed to decide the execution application preferred by the petitioner, on its own merits, in accordance with law, at the earliest, preferably within a period of 06 months from the date of submission of certified copy of this order."
3. When the order was not complied, the petitioner moved Contempt Petition No.512/2017, which was disposed of on 19.4.2016 vide Annexure P/6.
4. In the present writ petition, the petitioner has against prayed for a direction to the respondent authorities to make payment of the amount of Rs.49,764/- to the petitioner.
5. It is the settled law that the writ Court does not issue futile or ineffective writ which is incapable of execution. If the Society has no means to pay either in form of any movable or immovable assets, a writ cannot be issued in favour of the petitioner and against the Society to perform such function, which the Society is incapacitated to do.
6. The writ petition is dismissed reserving liberty in favour of the petitioner to move again in accordance with law as and when the Society is found capable of making payment to the petitioner.

Sd/-

(Prashant Kumar Mishra)

Judge