

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CONT No. 410 of 2019

Paresh Kumar Gautam S/o Shri Rajendra Prasad Gautam Aged About 27 Years Occupation- Service (Under Termination) Worked As Supervisor, Jila Sahkari Kendriya Bank Maryadit, Bilaspur, R/o DUP 59, Babji Residency Shubham Vihar, Mangla Police Station Civil Lines, Tehsil And District Bilaspur, Chhattisgarh. Pin 495001, Phone Number 7974325046.

---- **Petitioner**

Versus

1. Reeta Shandilya Through Secretary, Co- Operative Department Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Raipur Chhattisgarh.
2. Janak Prasad Pathak Registrar, Co Operative Societies, Indravati Bhawan, Atal Nagar, Raipur, Chhattisgarh.
3. Sanjay Alang Collector Cum Officer- In- Charge and Chairman Of Statt Sub Committee, Zila Sahkari Kendriya Bank Maryadit, Bilaspur Chhattisgarh.
4. Sunil Tiwari Joint Registrar, Co Operative Societies, Old Composite Building, Opposite Collectorate Bilaspur Chhattisgarh.
5. R.A. Khan Chief Executive Officer, Zila Sahkari Kendriya Bank Maryadit, Bilaspur Chhattisgarh.
6. Sandeep Gupta Joint Registrar, Office Of Joint Registrar, Co Operative Societies, Opposite Lal Ganga Shopping Mall, G.E. Road, Raipur, Chhattisgarh (This Person Was Not Arrayed As A Party Respondent In His Official Capacity Either In The Writ Petition(S) No. 6658 Of 2018 Nor In Writ Appeal No. 776 Of 2018. However, As The Application Made By The Petitioner Under Section 55 (2) Of The Cooperative Societies Act Was Made Over, By Registrar Cooperative Societies, Chhattisgarh, Raipur, To This Officer, Who, In Complete Disregard And Violation Of The Directions Given By The Hon'ble Division Bench, Has Passed The Order On 18/03/2019, Therefore Is Being Arrayed As A Party In The Instant Petition).

-----**Respondents**

For Petitioner : Shri R.S. Marhas, Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

22.08.2019

1. The petitioner stated as aggrieved of the manner of disposal of the proceedings by the Registrar of Co-operative Societies, pursuant to

the verdict passed by this Court. It is stated that the writ petition filed with the prayers concerned came to be finalised as per the order dated 08.10.2018, whereby the petitioner was relegated to move the statutory authority; ie Registrar, in terms of the relevant provisions of law, particularly with reference to Section 55(2) of the Co-operative Societies Act.

2. The said verdict was sought to be challenged by filing writ appeal, which was disposed off, as per the order dated 11.03.2019 with the following directions:-

“Registrar, Co-operative Societies is directed to ensure that he hears and decides the application of the appellant which ought to have been decided by now any way, keeping in mind that said application had been filed well within time.”

3. Pursuant to the said direction, the competent authority has considered the matter, leading to the order dated 11.03.2019, which, according to the petitioner, is not in conformity with the direction, as the merit has not been decided and that the matter came to be rejected on a technical ground.
4. We have heard the learned counsel for the petitioner.
5. The only question involved in this case whether there is any contumacious act on the part of the respondents in giving effect to the direction given by this Court, so as to come within the purview of the relevant provisions of the Contempt of Courts Act, to be

proceeded further by this Court. Insofar as the direction given by this Court has been complied with by passing an order, correctness of said order has to be tested by way of appropriate proceedings, which is not possible in the contempt of Courts proceedings. More so, it is settled law that the direction given as per a judgment rendered in a case cannot be widened in a contempt of Court proceeding. In the said circumstance, without prejudice to the right and liberties of the petitioner to challenge the order dated 11.03.2019 in accordance with law, the contempt matter stands dismissed.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge