

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.4219 of 2019

Gendram Yadav S/o Narayan Singh Aged About 48 Years Vice - President of Aadim Jati Sewa Sahakari Cooperative Society Maryadit, Kota, District Bilaspur Chhattisgarh. R/o Village Newsa, Tahsil -Kota, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Co -operative Society, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Registrar Cooperative Society, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Deputy Registrar Cooperative Society, Old Composite Building, Infront of Collectorate, Bilaspur, District Bilaspur Chhattisgarh.
4. State Co -operative Election Commission Through Its Commissioner, Ground Floor, Sales Tax Building Civil Line, Raipur Chhattisgarh.

-----Respondents

For Appellant	:	Shri Sanjay Patel, Advocate.
For State	:	Shri Ghanshyam Patel, Government Advocate.
For Respondent No.4	:	Shri Rajeev Shrivastava, Advocate.

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

Per PR Ramachandra Menon, CJ

25.11.2019

1. The prayers are in the following terms :-

“10.1 That, the Hon'ble Court may kindly be pleased to call entire records pertaining to the issuance of impugned Reorganization Scheme 2019/notification.

10.2 That, this Hon'ble Court may kindly be pleased to strike down the provision contain in clause 8 of

Reorganization Scheme 2019 by holding to be unconstitutional and invalid.

10.3 That, this Hon'ble Court may kindly be pleased to quash the order dated 29.08.2019 passed by the respondent No.3.

10.4 Any other relief(s)/order(s)/direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

2. The challenge raised is against clause -8 of the Reorganization Scheme, 2019 notified by the Government in terms of Section 16(C) of the Chhattisgarh Co-operative Societies Act, 1960. This issue was considered elaborately in WPC No.3031/2019 and connected cases and it has been finalized by passing a common judgment on 22-11-2019, whereby the impugned clause has been set aside, at the same time, granting liberty to the Government to proceed with the Reorganization Scheme with the elected body to manage the Co-operative society, till a proper election is done after finalizing of voter's list, because of the reorganization.
3. We are of the view that the judgment passed in the said cases will govern the issue herein as well. Accordingly, this writ petition is disposed of in the light of the judgment passed in WPC No.3031/2019 dated 22-11-2019.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge