

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 956 OF 2020

Rev. N.L. Soni S/o Late P.D. Soni, Aged About 75 Years Executive Secretary, India Church Council of Disciples of Christ, Registration No. 286/62, R/o Civil Lines, P.S. Civil Lines Bilaspur Tahsil and District Bilaspur Chhattisgarh.

...Petitioner(s)

Versus

1. Pastor Anurag Nathaniel (Mentioned As Anurag Nathaniel In Letter Dated 27/02/2020) S/o Late S. Nathaniel, Aged About 54 Years R/o Behind Disciples Church, Civil Lines, Police Station Civil Lines, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Smt. K.M. Roy, S/o Late M.B. Roy, R/o Bangapara, Tahsil Takhatpur, District Bilaspur Chhattisgarh.
3. Nityarthna Roy, D/o Late M.B. Roy, Sant Lux Hospital Compound, Tahsil Takhatpur, District Bilaspur Chhattisgarh.
4. Ujiyar Masih, S/o Late K. Masih, R/o Rajiv Gandhi Chowk, Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh.
5. A. Daniel, S/o Late J. Daniel, R/o Shivam Vihar, Khamtarai, Bilaspur District Bilaspur Chhattisgarh.
6. Shri A.D. James, S/o Late D. James, R/o Rajiv Gandhi Chowk, Jarhabhata, Bilaspur.
7. Reshamlal S/o Late P. Lal, R/o Shanti Nagar, Ameri Road, Bilaspur District Bilaspur Chhattisgarh.
8. The Registrar, Firms and Societies, Indrawati Bhawan, Block-1, Third Floor, Nawa Raipur, Atal Nagar, (Chhattisgarh)
9. The Assistant Registrar, Firms and Societies, Indrawati Bhawan, Block 1, Nawa Raipur, Atal Nagar (Chhattisgarh), District : Raipur, Chhattisgarh
10. The Collector, Bilaspur District Bilaspur Chhattisgarh.
11. The Additional Collector, Bilaspur, District Bilaspur Chhattisgarh.
12. The Deputy Collector/Inquiry Officer, Bilaspur, District Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Prateek Sharma, Advocate.
For Respondent 1	:	Shri Abhishek Sharma and Ms. Anjali Singh Chouhan, Advocates
For State	:	Shri Vivek Ranjan Tiwari, Addl. AG with Shri Jitendra Pali, Dy. AG.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.03.2020.

1. The challenge in the present writ petition is so far as the enquiry report which is enclosed with Annexure P/1 dated 27.02.2020.

- 2.** Learned counsel for the petitioner submits that the entire enquiry which has been conducted by the Deputy Collector, Bilaspur, is per se illegal and is in violation of the basic principles that are required while conducting an enquiry. The first contention of the petitioner is that, the parties have not been permitted to cross examine the witnesses who have been examined before the Deputy Collector. The second contention is that, the record shows that the proceedings have been closed on 08.02.2020 and the report also was prepared and submitted to the authorities concerned on the same day, whereas, the enquiry report reflects the date of 14.02.2020 which is contrary to the order sheet of the enquiry proceeding. The further contention of the petitioner is that, though the Registrar has issued notice on 27.02.2020 to the petitioner, but till date he has not taken any decision on the same.
- 3.** The counsel for the respondent No.1 however opposing the petition submits that these grounds would not be available to the petitioner as he had not raised these objections during the enquiry proceeding and as such there is no infirmity in the enquiry proceeding.
- 4.** On a query being put to the counsel for the petitioner, he fairly concedes that to the notice dated 27.02.2020, the petitioner has already submitted his explanation on 02.03.2020. He further contended that in the said explanation the petitioner has infact raised various objections and contentions in respect of the illegal manner in which the enquiry has been conducted, on which, the Registrar is yet to take a decision.
- 5.** Given the facts that the petitioner has already tendered his explanation on 02.03.2020 to Annexure P/1, i.e. the impugned notice dated 27.02.2020, it would not be appropriate at this juncture for this court to exercise writ jurisdiction of this court and to go into the merits of the case and also

decide the veracity of the enquiry proceeding, particularly when the petitioner has already raised his objections before the Registrar and where the Registrar is yet to pass a final order, if already not passed by now.

6. Given the said facts, let the Registrar take an appropriate decision on the objections and contentions that the petitioner has raised in his explanation dated 02.03.2020 and pass a speaking order dealing with all the contentions and objections.
7. It is made clear that this court has not expressed any opinion on the merits of the case so far as the explanation that the petitioner has provided on 02.03.2020 to the notice Annexure P/1 dated 27.02.2020 is concerned.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder