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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 317 of 2020**

{Arising out of Order dated 03.07.2020 passed in Writ Petition (C) No. 1318 of 2020 by the learned Single Judge}

1. Heeralal Sahu S/o Samaru Sahu Aged About 47 Years Ex-President Of Sewa Sahakari Samiti Maryadit, Gadadih, Registration No. 2510, R/o Village Gadadih, District Bemetara, Chhattisgarh.
2. Kanhaiya Nishad S/o Hariwansh Nishad Aged About 52 Years R/o Village Luke, District Bemetara, Chhattisgarh.
3. Ganga Bai W/o Bahal Verma Aged About 60 Years R/o Village Puse, District Bemetara, Chhattisgarh.
4. Rajesh Kumar S/o Gulab Singh Aged About 50 Years R/o Village Gatapara, District Bemetara, Chhattisgarh.
5. Gautam Verma S/o Bedram Verma Aged About 40 Years R/o Village Gadadih, District Bemetara, Chhattisgarh.
6. Krishna Sahu S/o Buddhu Sahu Aged About 60 Years R/o Village Gadadih, District Bemetara, Chhattisgarh.
7. Manoj Kumar S/o Sajivan Singh Aged About 48 Years R/o Village Gadadih, District Bemetara, Chhattisgarh.
8. Narendra Rajput S/o Parmanand Aged About 50 Years R/o Village Godmarre, District Bemetara, Chhattisgarh.
9. Pyare Lal Dhankar S/o Dukalha Dhankar Aged About 50 Years R/o Village Luke, District Bemetara, Chhattisgarh.
10. Dhursingh Matware S/o Bishad Aged About 50 Years R/o Village Luke, District Bemetara, Chhattisgarh.
11. Geeta Bai W/o Alakhdhar Aged About 60 Years R/o Village Luke, District Bemetara, Chhattisgarh.

---- Appellants**Versus**

1. State of Chhattisgarh Through Secretary, Department of Cooperative Affairs, Atal Nagar, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Collector Bemetara, District Bemetara, Chhattisgarh
3. Registrar Cooperative Societies Chhattisgarh Indrawati Bhavan, Atal Nagar, District Raipur, Chhattisgarh
4. Assistant Registrar Cooperative Societies Bemetara, District Bemetara, Chhattisgarh
5. Deputy Registrar Cooperative Societies, Bemetara, District Bemetara, Chhattisgarh.

6. Sewa Sahakari Samiti Maryadit Gadadih, Registration No. 2510, Through Its Authorized Officer, Block Saja, District Bemetara, Chhattisgarh.
7. Zila Sahakari Kendraiya Bank Maryadit, Durg Through Its Chief Executive Officer, Durg, District Durg, Chhattisgarh
8. Tahsildar Saja District Bemetara, Chhattisgarh.
9. Assistant Food Officer, Saja, District Bemetara, Chhattisgarh.

---- Respondents

For Appellant / Petitioners	: Dr. Kumaresh Tiwari, Advocate.
For State/Respondents No. 1 to 5, 8 and 9	: Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per P.R. Ramachandra Menon, Chief Justice

26.08.2020

1. Interference declined by the learned Single Judge with regard to the challenge raised against Annexure P/1 order dated 05.03.2020 passed by the 4th Respondent ordering supersession of the elected Board and appointing an Arbitrator, invoking the powers under Section 53(1) of the Chhattisgarh Co-operative Societies Act, 1860 (*for short 'the Act'*); relegating the writ petitioners to pursue statutory remedy provided under Section 77 of the said Act, is put to challenge in this appeal.

2. When the matter came up for consideration before this Court on 10.08.2020, the learned counsel for the Appellants submitted that the appellate remedy, though provided under the statute, was not effective insofar as the Appellate Tribunal *i.e.* the Chhattisgarh Cooperative State Co-operative Tribunal, Bilaspur was not functioning as on date, because of the COVID-19 pandemic.

3. In view of the above submission, instructions were called for. The learned counsel representing the State/Respondents made a submission on 21.08.2020 that, considering the request of the litigants from different corners, a notification was issued by the Government on 22.07.2020, under the relevant provisions of law, so as to cause hearing of urgent cases through virtual/appropriate mode. Time was sought for to produce a copy of the notification with a covering memo.

4. The State has now filed a covering memo producing a copy of the relevant notification dated 22.07.2020 and such other orders/letters dated 04.04.2020 and 28.04.2020, as Annexure-D. With reference to the same, it has been asserted in paragraph 2 of the covering memo that at present, the Chhattisgarh State Co-operative Tribunal, Bilaspur has started functioning and that effective appellate remedy is available to the Appellants/Writ Petitioners. We find it appropriate to extract paragraph 2 of the covering memo dated 25.08.2020 for clarity in all respects. It reads as follows:

"2. That, in compliance of the orders of the Hon'ble Court, it is respectfully submitted that as the State of Chhattisgarh has grappled with Covid-19 pandemic which has severe health and economic implications for the people of the State of Chhattisgarh and the Covid-19 has brought with it new challenges which need to be met by the State in order to have a secured protected environment for the wellbeing of one and all and in order to control the spread of the said Covid-19, the State Government, Department of Cooperative has decided to suspend the functioning of the Chhattisgarh State Cooperative Tribunal (Camp Court) Raipur till further order vide order dated 04/04/2020. Thereafter, on the requests made by the learned Advocates, a proposal for starting the functioning of the Tribunal through e-filing and virtual hearing at the headquarters of Chhattisgarh State Cooperative Tribunal at Bilaspur has been made to the State Government vide letter dated 28/04/2020 and in this regard, a notification dated 22/07/2020 has also been issued by the Registrar, Chhattisgarh State Cooperative Tribunal, Bilaspur notifying that the hearing and conducting the cases through E-filing and virtual hearing or other type shall be made only at the Head Office of Tribunal at Bilaspur till further order and the entire hearing and proceedings of the learned Tribunal Camp Court, Raipur has been suspended and it has been decided to hear the cases of the said court in the

head office of the Tribunal at Bilaspur till restoration of normalcy. To demonstrate the above, copies of the order dated 04/04/2020, letter dated 28/04/2020 and notification dated 22/07/2020 are being filed herewith as Document-D collectively. From the aforesaid documents, it is apparent that at present, the Chhattisgarh State Cooperative Tribunal, Bilaspur has started its functioning."

5. In the above facts and circumstances, we find absolutely no merit in the appeal to justify the scrutiny by this Court invoking the discretionary jurisdiction under Article 226 of the Constitution of India. The discretion exercised by the learned Single Judge relegating the Appellants/Writ Petitioners to pursue the matter by way of appeal in terms of Section 77 of the Act is quite in order and does not warrant any interference. It is open for the Appellants to pursue the remedy as aforesaid, in accordance with law.

6. With the aforesaid observation, interference is declined and the appeal stands dismissed.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE