

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2097 of 2020

Shri Jain Shwetamber Murtipujak Sangh Durg Through Its President Kanti Lal Bothra S/o Shri Moolchand Ji Bothra Aged About 52 Years, R/o House No. 9/16 Rishabh Nagar, Durg, District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Registrar of Farms And Societies Chhattisgarh, Mantralaya, Indiravati Bhawan, Naya, Raipur, District Raipur Chhattisgarh.
2. Collector Durg, District Durg Chhattisgarh.
3. Sub Divisional Officer Durg, District Durg Chhattisgarh.
4. Nodal Officer Covid 19, Durg District Durg Chhattisgarh.
5. Uttam Bardiya S/o Late Shri Mehgraj Bardiya R/o House No. 5/9, Rishabh Nagar, Durg , District Durg Chhattisgarh.
6. Kishor Kochar S/o Shri Umedmal Kochar R/o M.I.G. 482, Padmanabhpur, Durg, District Durg Chhattisgarh.
7. Dinesh Kumar Maroti S/o Late Shri Rupkaran Maroti R/o Behind Sbi Bank, Near Surrana Building , Ganj Para Durg, District Durg Chhattisgarh.
8. Smt. Neeta Jain D/o Shri Sujjanmal Jain R/o House No. 7, In Front Of Mahaveer Bhawan, Mahaveer Colony, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ishan Verma, Advocate.
For State	:	Shri Sidharth Dubey, Dy. Govt. Advocate.
For Respondents 5,7 & 8	:	Shri Prateek Sharma and Ms. Prakriti Jain, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.10.2020

1. The petitioner has filed this writ petition seeking following reliefs :

“10.1. This Hon'ble Court may kindly be pleased to call the entire records of the Election Process of the 2020-21 of the Sangh.

10.2. This Hon'ble Court may kindly be pleased to restraining respondents No.5 to 7 from conducting election as they do not constitute the working committee which bis authorized entity as per the by law 14 f the society to conduct election.

10.3 This Hon'ble Court may kindly be pleased to directing the Registrar of Society to ensure by-law 14 of the society is complied with i.e. election is conducted by the election officer (Mohanlal Sethia) appointed by the working committee.

10.4 This Hon'ble Court may kindly be pleased to direct the concerned authority to conduct the election in accordance with law specially the applicable act, rules and by-laws i.e. the Chhattisgarh Registration of Societies Act, 1973 & by-laws framed by the Sangh.

10.5. This Hon'ble Court may kindly be pleased to grant any other reliefs/writs, orders in favour of the petitioner, which the Hon'ble Court deemed fit and just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. The dispute seems to be in respect of the respondents not conducting an election in respect of the office bearers for the petitioner society registered under the Chhattisgarh Registration of Societies Act, 1973.
3. Today, when the matter is taken up for hearing, the State counsel submitted that the Sub Divisional Officer, Durg has vide his order dated 18.09.2020 already ordered for conducting election as per by-laws on 04.10.2020. The said decision was on the basis of the order of the Collector, dated 17.09.2020.
4. In view of the fact that election of the petitioner society has already been declared to be held on 04.10.2020 in accordance with by-laws, this court is of the opinion that no further grievance of the petitioner survives. The writ petition at this juncture stands disposed of expecting the authorities to act in accordance with orders passed by the Collector and the SDO dated 17.09.2020 and 18.09.2020 respectively.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge