

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2348 OF 2020**

1. Adim Jati Seva Sahakari Samiti, Ranipartewa, through Chairman, Panna Lal Dhruw, Tah. Chhura, Distt. Gariyaband (CG)
2. Panna Lal Dhruw, S/o Late Shri Yadram Dhruw, aged about 46 years, Address- Chairman, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
3. Radheshyam Kanwar, S/o Shri Dayaram, aged about 32 years, Address- Vice Chairman, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
4. Yamuna Sahu, W/o, Mukesh Sahu, aged about 40 years, Address- Vice Chairperson, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
5. Pawan Kumar Sahu, S/o Shri Kartik Ram, aged about 54 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
6. Mayaram Sahu, S/o Shri Kartik Ram, aged about 36 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
7. Latel Dhruw, S/o Shri Samara, aged about 56 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
8. Bhagwat Nirmalkar, S/o Shri Bisaru, aged about 58 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
9. Narottam Vishwakarma, S/o Shri Nathram, aged about 52 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
10. Soman Yadu, S/o Shri Khelawan, aged about 56 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
11. Sushila Nishad, W/o Shri Budharuram, aged about 38 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)
12. Nemichand Nishad, S/o Shri Malik, aged about 38 years, Address-Board Member, Adim Jati Seva Sahakari Samiti, Ranipartewa, Tah. Chhura, Distt. Gariyaband (CG)

... Petitioner(s)**versus**

1. State of Chhattisgarh, through Secretary, Department of Cooperative, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur (CG)
2. The Registrar, Cooperative Societies, 2nd & 3rd Floor, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (CG)
3. The Assistant Registrar, Cooperative Societies, Gariyaband, District Gariyaband (CG)
4. The Collector, Gariyaband, District Gariyaband (CG)

... Respondent(s)

For Petitioners	:	Mr. Neeraj Pradhan, Advocate.
For Respondents	:	Mr. Sudeep Verma, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****28.10.2020**

1. Challenge in the present writ petition is to the order dated 5.9.2020 (Annexure P-1) which is an order issued by Respondent No.3 - Assistant Registrar, Cooperative

Societies, Gariyaband, under Section 53(10) of the Chhattisgarh Cooperative Societies Act, 1960 (for short, "the Act of 1960").

2. The primary contention which the learned Counsel for Petitioners has raised is that the impugned order has been passed abruptly without giving a fair and reasonable opportunity of hearing to the Petitioners. Further contention is that the Petitioners have also not been provided with the letter of the Collector, dated 14.8.2020 (Annexure P-2), on the basis of which the show cause notice on 19.8.2020 was issued. Referring to Annexure P-2, learned Counsel for Petitioners submitted that the reference of an enquiry report mentioned in the said Annexure was also not made available to the Petitioners in spite of having sought for the same.

3. Perusal of the reply, which the Petitioners have submitted to the show cause notice, does not reveal any demand specifically made by the Petitioners for providing the correspondence made by the Collector on 14.8.2020 nor is there any specific request for the copy of the enquiry report referred to in Annexure P-2.

4. Learned State Counsel, at this juncture, opposing the writ petition, submits that the Petitioners have an alternative efficacious remedy of challenging the impugned order under Section 78 of the Act of 1960. Likewise, it was also contended by the Learned State Counsel that the impugned order (Annexure P-1) is not a final order. It is only an order whereby the Petitioners have been called upon to give their explanation failing which the suspension proceedings may be initiated. According to the learned State Counsel, the Petitioners can still approach the Assistant Registrar who has issued the impugned order (Annexure P-1) and make suitable reply ventilating their grievances and the same shall be duly considered before taking a final decision. As such, according to the learned State Counsel, the present writ petition is premature.

5. Given the said submission by the learned Counsel for the parties, this Court is of the opinion that the primary grievance of the Petitioners seems to be of not being providing with a fair opportunity of hearing. At the same time, learned State Counsel

has categorically stated that the proceeding has yet to be finalized. Petitioners still can appear before the Assistant Registrar and can ventilate their grievances.

6. Under the circumstances, the present writ petition at this juncture is being disposed of directing the Petitioners to appear before the Assistant Registrar, Cooperative Societies, who has issued the impugned order (Annexure P-1), and thereafter the Petitioners can move appropriate application for necessary information required for their defence which is being used by the Respondents against the Petitioners for the proceeding under Section 53 of the Act of 1960.

7. Upon such an application being moved by the Petitioners within a period of ten days from the date of receipt of copy of this order, the Assistant Registrar shall provide those documents which shall be used against them in the proceeding under section 53 so that the Petitioners can effectively give their explanation and only thereafter should the Respondents take a final decision on the proceeding initiated by way of the impugned order 5.9.2020 (Annexure P-1).

8. With the aforesaid observations, Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

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