

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2422 of 2020

Dilip Kumar Sahu S/o Shri Ganesh Ram Sahu Aged About 45 Years R/o Village Putidih, Dabhra, District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Co-Operative, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Registrar Co-Operative Societies, Chhattisgarh, Indrawati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
3. Chhattisgarh State Co-Operative Dairy Federation Through Its Managing Director, Urla, Post Office Charoda, BMY, District Durg Chhattisgarh.

---Respondents

WRIT PETITION (C) No. 2423 of 2020

Nilkanth Sinha S/o Late Chatur Ram Sinha Aged About 52 Years R/o Village and Post Bhendri, Tahsil Magarlod, District Dhamtari Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Co-Operative, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Registrar Co-Operative Societies, Chhattisgarh, Indrawati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
3. Chhattisgarh State Co-Operative Dairy Federation Through Its Managing Director, Urla, Post Office Charoda, BMY, District Durg Chhattisgarh.

---Respondents

WRIT PETITION (C) No. 2428 of 2020

Smt. Uma Patel W/o Shri Shyam Sundar Patel Aged About 48 Years R/o Village Darri, District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Co-Operative, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Registrar Co-Operative Societies, Chhattisgarh, Indrawati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
3. Chhattisgarh State Co-Operative Dairy Federation Through Its Managing Director, Urla, Post Office Charoda, BMY, District Durg Chhattisgarh.

---Respondents

WRIT PETITION (C) No. 2430 of 2020

Ganeshram Sahu S/o Late Itwari Ram Sahu Aged About 50 Years R/o Shyaam Bazaar Chowk, Aarang, District Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Co-Operative, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.

2. Registrar Co-Operative Societies, Chhattisgarh, Indrawati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
3. Chhattisgarh State Co-Operative Dairy Federation Through Its Managing Director, Urla, Post Office Charoda, BMY, District Durg Chhattisgarh.

---Respondents

For Petitioners	:	Shri Vaibhav P Shukla, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. AG, Shri Mateen Siddique, Dy. AG and Shri Sudeep Verma, Dy. Govt. Advocate.
For Respondent No.3	:	Shri K Rohan, on behalf of Shri Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.10.2020

1. Since common facts and issues are involved in all these writ petitions, they are being disposed of by this common order.
2. Challenge in these writ petitions is to the order Annexure P/1 dated 10.08.2020 passed by the respondent No.2 disqualifying the petitioners from the post of Directors of the respondent No.3-Co-operative Dairy Federation.
3. At this juncture, this court is of the opinion that the petitioners have an alternative efficacious remedy under Section 78 of the Chhattisgarh Co-operative Societies Act, 1960 (in short, the Act, 1960) by preferring an Appeal before the Tribunal established under the Act, 1960.
4. The counsel for the petitioners submits that there are certain basic flaw on the part of the respondents while passing the impugned order and the very provision of the Act, 1960 itself has not been followed or complied with before passing the impugned order and that is the reason why these writ petitions have been filed.
5. This court is of the opinion that these aspects also are one which could be duly considered by the Tribunal established under the Act, 1960 and which

has been established particularly for redressal of such disputes in Co-operative Societies.

6. At this juncture, the counsel for the petitioners also submits that because of the effect of Covid-19 Pandemic the petitioners could not approach the Tribunal timely and in the process they have also lost considerable time, therefore, the period in between may be condoned enabling the petitioners to prefer an Appeal within some stipulated time to be granted by this court.
7. Considering the entire facts and circumstances of the case, particularly taking note of the nature of dispute and also considering the effect of Covid-19 Pandemic in the State, it would be in the interest of justice if the petitioners are directed to prefer an Appeal against the impugned order before the Tribunal. Subject to petitioners preferring Appeal within a period of three weeks from the date of receipt of copy of this order along with an application for condonation of delay, the Tribunal shall consider the application for condonation of delay liberally and shall entertain the Appeals on its merits and decide the same at the earliest.
8. Subject to furnishing a photocopy of the original order, the certified copy of the order may be returned back to the petitioners.
9. All the writ petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge