

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2637 of 2020**

Janak Janghel S/o Late Mahaveer Janghel, Aged About 32 Years,
President Sewa Sahakari Samiti Maryadit, Bortara, Registration No.
1285, Block Saja, District Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Cooperative Affairs, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Registrar, Cooperative Societies Chhattisgarh, Indrawati Bhavan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
3. Deputy Registrar, Cooperative Societies, Bemetara, District Bemetara, Chhattisgarh
4. Smt. Shanti Bai, Vice President, Sewa Sahakari Samiti Maryadit, Bortara, Registration No. 1285, Block Saja, District Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manish Upadhyay, Advocate
For Respondents 1 to 3	:	Mr. Mateen Siddiqui, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.11.2020**

1. The challenge in the present writ petition is to the show cause notice dated 22.10.2020 calling upon an explanation of the petitioner within 15 days failing which the respondents would be initiating appropriate proceedings under Section 50-A (1) read with Rule-44 (1) of the Chhattisgarh Cooperative Societies Act as also the rules framed therein.
2. Learned counsel for the petitioner submits that a plain reading of the

impugned notice shows that the authorities are predetermined and have already found the petitioner to be guilty of the misconduct/irregularities and therefore have issued the show cause notice which now would only be an empty formality since the respondents have already conducted an inquiry and found the petitioner to be guilty.

3. At this juncture, learned Dy. Advocate General appearing for the State submits that the findings given in the show cause notice are based on the admitted factual matrix available on record and the petitioner has been called upon to give his explanation to those findings. He submits that in case the petitioner is able to provide satisfactory explanation, there is all likelihood that the proceedings can also still be dropped. He further submits that even otherwise, the scope of judicial review at the show cause notice stage is too minimal as is settled by the catena of decisions of the Supreme Court so also by this Court.
4. Given the said submissions by the counsel appearing on either side and taking note of the fact that it is a show cause notice issued granting 15 days time to the petitioner, this Court is of the opinion that the writ petition itself at this juncture can be disposed of directing the petitioner to submit his explanation to the show cause notice to the competent authority immediately and the competent authority shall also objectively consider the explanation and reply that the petitioner shall submit and thereafter shall take an appropriate decision without being in any manner influenced by the contents of Annexure P-1.
5. As regards the fact that the petitioner has not been given a fair opportunity of hearing in the alleged inquiry which was conducted, this aspect shall also be looked into by the authorities in the event the

petitioner takes such a ground in his reply/explanation that he would give to the show cause notice.

6. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**