

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2750 of 2020

1. Lalkumar Patel, S/o. Shri Yadram Patel, Aged About 40 Years, Occupation- Agriculturist, R/o. Village- Palsada, Block- Dabhara, District- Janjgir-Champa, Chhattisgarh
2. Gudeshwar Prasad Patel, S/o. Shri Daulatram Patel, Aged About 52 Years, Occupation-Agriculturist, R/o. Village- Birhabhatha, Block- Dabhara, District- Janjgir-Champa, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through- The Secretary, Department Of Cooperative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Registrar, Cooperative Society, Indrawati Bhavan, Atal Nagar, Nawa Raipur, Chhattisgarh
3. The Collector, District- Janjgir-Champa, Chhattisgarh
4. The Deputy Registrar Cooperative Society Janjgir-Champa, District Janjgir-Champa, Chhattisgarh
5. The District Cooperative Central Bank Limited, Bilaspur Branch- Chandrapur, District- Janjgir-Champa, Chhattisgarh
6. Janpad Panchayat Dabhara Through- Its Chief Executive Officer, District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate
For Respondent No.5	:	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.11.2020

Heard

1. The petitioner No.1 who is resident of village Palsada and petitioner No.2 who is resident of Village Birhabhatha have challenged the order of the State whereby the paddy procurement center has been put up at village Chandali which include the village Kalma, Chandali, Bilaigarh, Parsada, Birhabhata, Mahadevpali & Balpur. The challenge is putting of paddy purchase center at Kalma would lead injustice with the other villagers as the ideal paddy procurement center should have been placed at village

Chandali which is at highway and access to the said paddy procurement center is more easy to the villagers. He would submit that village Kalma placed near Mahanadi which is a low level area and there are always chances of flood exit and to village Kalma where the paddy procurement center is opened, no convenient road or motor way is available. Further it is stated that Chandali is situated in the center of the villages which is easily approachable, therefore, as per the policy of the State, which is more convenient, the paddy procurement center should have been open at village Chandali. He further submits that the petitioners raise an objection before the respondent authorities on 09.09.2020, but the same has not been decided. He further refers to the judgment dated 22.11.2019 passed in W.P.(C) No.3031 of 2019 and would submit that in th earlier round of litigation of the like nature, the State conceded to the fact that opening of paddy procurement center would be considered after taking into the geographical situation of the other villages for which the paddy procurement center are opened. He further submits that however in the instant case the said policy has not been followed. Therefore, the Court in exercise of power under Article 226 can interfere in the matter.

2. Per contra, learned State counsel opposes the argument and would submit that the paddy procurement center has already been notified and if according to the notification dated 16.10.2020 the petitioners if are aggrieved then they can get the redressal under the Section 64 of the Cooperative Societies Act before the Joint Registrar/ Registrar. It is further contended that work order for newly opened paddy procurement center has been allotted for construction.
3. Learned counsel appearing for the respondent No.5 opposes the argument of the petitioner.

4. Perused the documents. Perusal of the petition would show that two persons Lalkumar Patel of village Palsada and Gudeshwar Prasad Patel of village Birhabhatha has filed this petition. The paddy procurement center which is opened at Kalma would include seven villages including village Kalma. Apart from the villages from which the petitioners represent themselves, the people of five villages are not before this Court. Simply two persons of village have come up before this Court to say that Chandali would be more convenient place for paddy procurement center, it cannot be accepted to be a gospel truth. If by the judicial order, the paddy procurement center is changed from Kalma to Chandali then the voice of villagers who are included in the paddy procurement center of Bilaigarh, Birhabhatha, Mahadevpali, Balpur, Chandali & Kamla would also be affected. In their absence, no order can be passed which may go against them. Furthermore, the notification dated 16.10.2020 would show that the petitioners if so aggrieved and the dispute exists, they may get redressal under Section 64 of the Cooperative Societies Act. Since the grievance raised by the petitioners would require the application of the evidence, which includes the geographical set up and incidental set up of the State, it cannot be decided in the petition under Article 226 of the Constitution, therefore, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Aks