

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2764 of 2020

1. Aadim Jati Sewa Sahkari Samiti Maryadit Kunni Through Its President, Kameshwar Son Of Jhagru, Aged About 60 Years, Caste Uraon, Aadim Jati Sewa Sahkari Samiti Maryadit Kunni Block Kusmi, P.S. Lakhanpur, District Sarguja, Chhattisgarh.
2. Rajeev Verma Son of Late Janardan Prasad Verma Aged About 44 Years Society Manager, Aadim Jati Sewa Sahkari Samiti Maryadit Kunni Block Kusmi, P.S. Lakhanpur, District Sarguja, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary Co-Operative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Collector Ambikapur, District Sarguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Registrar, Cooperative Societies, Chhattisgarh, Hod Building, Indrawati Bhawan, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Deputy Registrar Cooperative Societies, Ambikapur, District Sarguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Yogendra Prasad Singh Vice President, Aadim Jati Sewa Sahkari Samiti Maryadit, Kunni, Ambikapur, District Sarguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---Respondents

For Petitioner	:	Shri C Jayant K Rao, Advocate.
For Respondent-State	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.11.2020

1. The challenge in the present writ petition is to Annexure P/3 dated 29.10.2020 whereby it is alleged that the petitioner No.2 has been removed from the post of Society Manager.
2. The contention of the petitioner is that the impugned order is per se illegal for the reason that he has not been given an opportunity of hearing and further the action of removal also is on the basis of a fake and fraudulent documents used by the Vice President of the said society.
3. At the outset this court is of the opinion that the nature of relief sought for and the contention so made by the petitioners are all disputed questions of

fact which needs to be thrashed out only by leading proper evidence of either side by documentary as well as oral evidence which otherwise would not be permissible before the writ court exercising writ jurisdiction. The proper course available to the petitioners would be by approaching the concerned authorities under the Co-operative Societies Act under Section 64 along with an application for grant of interim relief for the authorities to take an appropriate decision in accordance with law and rules.

4. Accordingly, reserving the aforesaid right of the petitioner to approach the appropriate authorities, the writ petition would not be sustainable on the ground of having alternative remedy. It is made clear that in the event if the petitioners approach the concerned authorities under Section 64 of the Co-operative Societies Act, the same shall be entertained on priority basis in accordance with law.
5. The writ petition accordingly stands disposed of.
6. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

inder