

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 931 of 2021

Haldhar Dansena S/o Late Munnubabu Dansena, Aged About 51 Years R/o Village- Amapali, Tehsil- Kharsia, District- Raigarh, Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary Department of Cooperative Society Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. Collector Raigarh District- Raigarh, Chhattisgarh.
3. Assistant Registrar Co-Operative Society Raigarh, Chhattisgarh.,
4. Office of Deputy Registrar Co-Operative Society Raigarh, Chhattisgarh.
5. Food Inspector Kharsia, District- Raigarh, Chhattisgarh.
--- **Respondents**

For the Petitioner	: Mr. Kamal Kishore Patel, Advocate
For the State	: Mr. Amrito Das, Addl. Advocate General

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.02.2021

1. The challenge made in this writ petition is to the order dated 13.10.2021 (*Annexure P-1*) passed by the Assistant Registrar under section 53(1) of the Chhattisgarh Cooperative Societies Act, 1960 whereby the Registrar has removed the Committee Board of Directors and appointed an administrator. Learned counsel for the petitioner submits that this order was passed without giving any opportunity of hearing to the petitioner. Therefore, the order is liable to be set aside. He would submit that according to the documents 0% of the stock of the paddy was found available, yet the petitioner has been held responsible that too without any

basis.

2. Be that as it may since the orders have been passed under section 53(1) of the Act of 1960 of the Act and section 53(i) contemplates that the Registrar may by order in writing remove the Board of Directors and appoint an administrator to manage the affairs for a specified time which shall not exceed 6 months and in case of a Cooperative Bank one year. Here in the instant case, 5 months have already been passed and the petitioner has not preferred any appeal u/s 78(1)(a) to the Joint Registrar. Since the issue which is raised before the Court would require the finding of fact and in view of the fact that the order impugned has almost lived its life and the remedy of appeal is provided against such order, I am not inclined to interfere with the impugned order in exercise of powers under Article 226 of the Constitution of India.
3. With the above observations, this writ petition stands dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**