

HIGH COURT OF CHHATTISGARH, BILASPUR
W.P.(227) No.141 of 2021

- Bhakt Guha Nishad, Muchhuwa Sakhari Samiti Maryadit Ghumka, Block Balod, District Balod Chhattisgarh, Through Its President Hemlal Nishad Son Of Devlal Nishad, Aged About 64 Years, R/o Of Village Khursipar, Post Taraud, Khursipar Balod, District Balod Chhattisgarh

---- Petitioner

Versus

1. Jai Durga Machhuva Sahakari Samiti Maryadit Kohangatola Reg No. 2888, Block Balod, District Balod (Chhattisgarh) Through President Rameshar Ram Nishad, R/o Village Kohangatola, Tahsil And District Balod (Chhattisgarh)
2. Assistant Director, Fisheries, Balod, District Balod Chhattisgarh
3. S.K. Yadu Cooperative Inspector (The Then), Cooperative Societies, Balod, District Balod (Chhattisgarh)
4. Cooperative Development Officer, Block Tahsil And District Balod Chhattisgarh
5. S.A. Khan, Fisheries Inspector (The Then), Fisheries Industries, Balod, Block Tahsil And District Balod (Chhattisgarh)
6. Sarpanch, Village Panchayat Ghumka, Block, Tahsil And District Balod (Chhattisgarh)

---- Respondents

For Petitioner – Mr. Syed Majid Ali, Advocate.
For State/respondents No.2 & 4 – Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-03-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 04.12.2020 passed by the C.G. State Cooperative Tribunal, Bilaspur, C.G. for quashment of the same.
2. It is submitted by the learned counsel for the petitioner's society that the advertisement was published by respondent No.6 inviting applications for allotment of the village pond on lease. The petitioner moved an

application for the same. The respondent No.6 passed a resolution on 16.10.2020 for grant of lease of the village pond to the petitioner's society. This resolution was not acted upon, therefore, the petitioner preferred an appeal before the Cooperatives Tribunal, in which the learned Tribunal has simply refused to entertain the appeal and grant any relief to the petitioner's society mentioning that there is one W.P.(C.) No.234 of 2016 is already pending, in which the stay granted is operative.

3. It is further submitted that the order impugned is arbitrary and baseless because the subject matter of the W.P.(C.) No.234 of 2016 is altogether different. Hence, it is prayed that this petition may be admitted and relief be granted to the petitioner.
4. Learned counsel for the State appearing for respondent No.2 and 4 opposes the submissions and submits that there is no error committed by the learned Cooperative Tribunal, hence, the petition be dismissed at the motion stage.
5. Considered on the submissions, the subject matter in W.P.(C.) No.234 of 2016 appears to be altogether different and the cause of action in favour of the petitioners is arising out of resolution of the Gram Panchayat dated 16.10.2020. As there is at present a resolution in favour of this petitioner and for reasons unknown the respondent No.6 is not proceeding further to act upon it. Hence, this petition is disposed off at the motion stage.
6. Respondent No.6 is directed to proceed with the resolution dated 16.10.2020 and consider on the implementation of the same within a period of 02 months, in accordance with law.
7. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge