

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1539 of 2021

1. Ajeet Verma S/o Shri S.K. Verma, Aged About 45 Years Proprietor Apurva Medical Agency, Medical Complex, Behind Ajeet Hotel, Telipara, Bilaspur, District Bilaspur Chhattisgarh
2. Sachanand Tirthani S/o Shri Arjun Lal Tirthani, Aged About 51 Years Partner Asha Agency, Medical Complex, Behind Ajeet Hotel, Telipara, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Registrar, Firms And Societies, Anupam Nagar, Raipur, District Raipur (Chhattisgarh)
3. Assistant Registrar, Cooperative Society, Composite Building, Bilaspur, District Bilaspur Chhattisgarh
4. Secretary, Zila Aushadhi Vikreta Sangh, Office At DCDA Bhawan, Medical Complex, Telipara, Bilaspur, District Bilaspur (Chhattisgarh) (Registration No. 122201814678 Registered On 23-08-2018)

---- Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate
For State	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.03.2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner who is a member of the society has not been given the opportunity to contest the election and the election is going to be held on 04.04.2021 in respect of *Zila Aushadhi Vikreta Sangh* which is a society registered under the C.G. Society Registrikaran Adhiniyama, 1973. He further submits that without the appointment of any Election Officer the Respondent No. 4 is going to hold

the election. He further submits that membership of the persons who are going to vote has not been accepted as members till date if they are allowed to vote the elections would be on behalf of wrong persons. It is further contended the persons who have paid the membership amount for the society have not been included as members to vote, therefore, there is violation of the by-laws. He further submits that certain receipt books of payment of membership are missing though the person have obtained membership, therefore would also be deprived to tender their votes.

2. The issue as has been raised involves integrated disputed question of facts. If it is the claim that members have tendered money and their money has not been deposited then this fact needs to be established by evidence by examining the receipt book & primary payment receipts by individual member etc. As per Section 27 of the Act of 1973 annual general list of the governing body are to be filled. The receipt book on which the petitioner has placed reliance, the authenticity of the same is required to be proved which requires evidence. Therefore, this Court in exercise of power under article 226 of the Constitution of India will not go into roving enquiry to find out the authenticity of the documents to find out the membership.
3. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge