

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1566 of 2021

1. Shailesh Kumar Gupta S/o Late Vishnu Dutt Gupta Aged About 49 Years Proprietor M/s Shailesh Medical Store, Main Road Baikunthpur , District Koriya Chhattisgarh. (Elected President Of Koriya Zila Aushadhi Vikreta Sangh)
2. Surendra Pratap Singh S/o Late S.P. Singh Aged About 43 Years Proprietor M/s Shyam Medicare, Plot No. 76/2, New Sabzi Mandi Road, Manendragarh, District Koriya Chhattisgarh. (Elected Secretary Of Koriya Zila Aushadhi Vikreta Sangh)

---- 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. Chhattisgarh Chemists And Druggist Association Through The President , Office At Sector 06, Vallabh Nagar, Priyadarshini Nagar, Pachpedi Naka, Raipur , District Raipur Chhattisgarh.
4. Returning Officer Koriya Zila Aushadhi Vikreta Sangh, District Koriya Chhattisgarh.

---- Respondents

For petitioners – Shri Punit Ruparel, Advocate.

For State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/03/2021

Heard.

1. Learned counsel for the petitioners would submit that the petitioners were elected pursuant to an election dated 28/02/2021 in respect of the respondent No.3 Chhattisgarh Chemists And Druggist Association, however again a notification has been issued by the respondent No.3 that the fresh election would be conducted. He would further submit that the petitioners since were duly elected there cannot be second election before they complete their tenure.
2. The fact that the petitioners were elected after the duly valid election is question of fact which is required to be proved which can only be done when the

trial is held and the issues are framed. These disputed question of fact whether the petitioners are the elected President and Secretary or they have self proclaimed as President and Secretary cannot be decided in a writ court. Since the issue involves disputed question of fact, the petitioners may avail the appropriate remedy available under the common law.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

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