

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

### **WPC No. 3512 of 2021**

Adim Jati Sewa Sahkari Samiti Maryadit, Amera District Surguja , Through The President Sanjay Kumar Rajwade S/o Bans Bahadur Rajwade, Aged About 38 Years , R/o Ward Bankpara , Mendrakala, Ambikapur , District Surguja Chhattisgarh.

**---- Petitioner**

### **Versus**

1. State Of Chhattisgarh Through The Secretary , Co Operative Department , Mahanadi Bhawan, Mantralaya , Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
2. The Secretary Food , Civil Supply And Consumer Protection Department, Mahanadi Bhawan, Mantralaya , Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh.
3. Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
4. The Registrar Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
5. The Collector Surguja, District Surguja Chhattisgarh.
6. District Marketing Officer Ambikapur , District Surguja Chhattisgarh.
7. District Cooperative Central Bank Limited Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Ambikapur, District Suguja Chhattisgarh.
8. Nodal Officer, District Cooperative Central Bank Limited, Ambikapur , District Ambikapur Chhattisgarh.
9. District Food Officer Ambikapur , District Surguja Chhattisgarh.

**---- Respondents**

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For Petitioner : Shri Sanjay Pathak, Advocate.

For Respondents No. 3 & 6 : Shri Ashish Surana, Advocate.

For Respondents/ State : Shri Aditya Bharadwaj, P.L.

For Respondents No. 7 & 8 : Shri Jitendra Shrivastava, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**01/09/2021**

Heard.

1. The grievance of the petitioner is that the petitioner who is a cooperative society has purchased the paddy for the year 2020-21. Consequently because of the failure of respondents State Cooperative Marketing Federation Limited and failure of Nodal Officer, District Cooperative Central Bank Limited certain part of paddy was not lifted within time, despite the fact that the petitioner had discharged its entire liability and obligation pursuant to the agreement. It is stated in order to overcome the fault committed by the respondent/ State Cooperative Marketing Federation Limited and District Cooperative Central Bank Limited, the petitioner has been served with a show cause notice dated 05.06.2021 (Annexure P-1) and threat has been extended that FIR would be lodged.
2. Learned counsel for the respondents No. 3 & 6 would submit that the instant petition is premature, since the petitioner has directly come up to the High Court against the show cause notice.
3. Perused the documents.
4. Perusal of the document Annexure P-1, would show that the in-charge of the society have been served with show cause notice and reply has been sought for. So before the said adjudication to find out the reasons for shortage of paddy whether it was for non lifting of paddy on time or for damage cause due to extraneous reasons for which the parties to the agreement may be at fault, the petitioner can file their reply before the authority who has issued the show cause notice i.e. CEO, District Cooperative Central Bank (Respondent No. 7). Since the issue requires to be settled and reasons are required to be found

that for whose fault the paddy is damaged or shortage is caused, the CEO District Cooperative Central Bank requires to adjudicate the same by evaluating the facts and evidence which may be produced before it during such enquiry. If the petitioner has already filed the reply to the show cause notice, their reply would be considered and they should also be given proper opportunity of hearing for canvassing their defence. Thereafter considering the merits the final orders may be passed pursuant to the show cause notice dated 05.06.2021,. Till such adjudication is arrived at there should not be any arm twisting procedure to file an FIR against the society, if it has not already been done.

5. With the aforesaid observation, the petition stands disposed of.

Sd/-

**(Goutam Bhaduri)**

**Judge**