

(2018) 06 CHH CK 0096

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1514 Of 2018

Sewak Ram Pandey

APPELLANT

Vs

Sunil Kumar Sharma And Ors

RESPONDENT

Date of Decision: June 20, 2018

Acts Referred:

- Chhattisgarh Co-operative Societies Act, 1960 - Section 64(2)(v)

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: B. P. Gupta, Arun Sao

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. The petitioner has challenged the orders dated 03.04.2018 and 09.04.2018 (Anneuxres- P/1 and P/2) respectively, whereby the respondents No. 5

to 10 have been illegally elected on the post of member of Board of Directors.

2. Learned counsel for the respondents would submit that statutory remedy for raising the co-operative election dispute is available under sub- section

(v) of Section 64(2) of the Chhattisgarh Co-operative Societies Act, 1960 (for brevity, 'Act of 1960').

3. At this stage, learned counsel for the petitioner would submit that having alternative remedy is not a bar in maintaining this writ petition.

4. I have heard learned counsel for the parties and perused the impugned orders with utmost circumspection.

5. Since, the petitioner is having alternative remedy of raising the co- operative election disputes under sub-section (v) of Section 64(2) of the Act of

1960, it would not be appropriate to entertain this writ petition. However, the petitioner is at liberty to raise the disputes under Section 64(2) (v) of the Act of 1960 before the appropriate Co-operative Authority.

6. Accordingly, the writ petition is dismissed with no order as to cost(s).

7. Certified copy of the impugned orders (Annexures - P/1 and P/2) be returned to the counsel for the petitioner on furnishing attested photocopy thereof.