

(1998) 01 MP CK 0021

Madhya Pradesh High Court

Case No: Contempt Petition No. 347 of 1997

Kedar Griha Nirman Sahakari
Samiti

APPELLANT

Vs

R.K. Sharma

RESPONDENT

Date of Decision: Jan. 22, 1998

Acts Referred:

- Contempt of Courts Act, 1971 - Section 2

Citation: (1999) 2 MPLJ 258

Hon'ble Judges: P.N.S. Chauhan, J

Bench: Single Bench

Advocate: S.K. Dixit, for the Appellant; R.K. Gupta, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

D.P.S. Chauhan, J.

Heard the learned counsel for the petitioner, Shri S. K. Dixit

Petitioner Kedar Griha Nirman Sahakari Samiti through its President Debdas Mohanta has approached this Court for drawing contempt proceedings against Shri R. K. Sharma, Deputy Registrar, Co-operative Societies, Samta Building, Malviya Nagar, Bhopal. It appears that in Writ Petition No. 1407/95 on 3-5-1995 an ex parte order, which is as extracted below, was passed in favour of the petitioner :

"3-5-1995:

Heard Shri S. K. Dixit for the petitioner on admission and stay, Shri R.K.Gupta for the State.

The petition is admitted. Issue notice to the other respondents on both. P.F. in three days.

Shri Gupta wants time to file the reply to the stay application.

Meanwhile till then, the operation of Annexure-A shall remain stayed.

In case the respondents produce the documents that charge has been handed over, they can apply for vacating the stay order. C.C. on payment."

The order was ex parte. From the order it appears that the operation of Annexure-A was directed to be stayed and in case the respondents produce the documents that the charge has been handed over, it was made free for them to move the Court for vacation of the interim order.

It is not disputed that the matter relates to the election of the Members of the Committee of the Management, Chairman, Vice-Chairman etc, of the petitioner-Society. The term of the petitioner-Society has expired and u/s 49 of the M. P. Co-operative Societies Act, 1960 (for brevity, hereinafter referred to as "the Act") the term of the committee of the Management is provided as three years from the date on which first meeting of the committee to elect its Chairman, Vice-Chairman etc. is held. Sub- section (8) of Section 49 of the Act provides for holding of the election anterior to the expiry of the term and also provides consequence for the default in not holding the elections.

This petition is taken-up by the Court as the Hon"ble Judge who passed the impugned order has retired and as per roster the matter is posted before this Bench.

The only grievance of the petitioner is that the case (Case No. 84/93) pending before the respondent has not been decided.

Under the Contempt of Courts Act, 1971, the cause of action necessarily need to be specified in the petition, which is lacking in the present case. The contempt proceedings seen to be camouflage proceedings for continuance of the members of the Committee of the Management in the office without authority of law. It is not necessary to dilate on the matter further as in view of this no contempt has been committed.

The petition is accordingly rejected. However, the petitioner would be free to approach the concerned authority for, decision of the case, if the same survives.