

(2009) 11 JH CK 0075
In the Jharkhand High Court

Moon Light Roadways

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 09-11-2009

Acts Referred:

Citation : (2009) 11 JH CK 0075

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties, and with their consent this writ petition is being disposed of at this stage itself.

2. The petitioner moved this Court earlier in W.P.(C) No. 3328 of 2001 wherein he made the grievance that the impugned order as contained in Annexure-14 was passed totally on non-application of mind and without giving adequate opportunity of hearing to him. The said writ petition was disposed of vide order dated 26.11.2002 by a Bench of this Court. The order contained in Annexure-14 was set aside and the matter was remitted back to the Registrar Co-operative Society, directing him to give adequate opportunity of hearing and to furnish all relevant: data to the petitioner on the basis whereof the impugned directions were passed. The Registrar was directed to dispose of the matter within a period of three weeks from the date of receipt of a copy of that order, a copy of the order has been annexed as Annexure-16 to the writ petition.

3. Now, by filing the present writ petition, the grievance has been made by the petitioner that again an ex-parte order has been passed by the Registrar, Co-operative Society without affording any reasonable opportunity of hearing to the petitioner, and without service of notice as directed by this Court. The order passed by the Registrar, Co-operative Society has been annexed as Annexure-1 to this writ petition, which is under challenge,

4. From perusalant the said order of the Registrar, Co-operative Societies, it appears that he has stated therein that though the notices were issued to the

petitioner several times, but all the times it returned unserved. It is stated that the father of the petitioner also refused to accept the notice. Nowhere it is stated that the notices were tendered to the petitioner and he refused to accept the notice. Thus, I find that the order of this Court whereby it was directed that an adequate reasonable opportunity may be given to the petitioner for hearing, has not been complied with.

5. In this view of the matter, the order contained in Annexure-17 dated 10.3.2003 passed by the Registrar, Co-operative Societies, Ranchi, is, hereby, set aside, and the matter is remitted back to him to consider the matter afresh, and pass an appropriate order in accordance with law after hearing the parties as directed earlier by this Court.

6. The petitioner undertakes to appear before the Registrar, Co-operative Society on 23.11.2009, On that date, the Registrar, Co-operative Societies, shall fix a date of hearing and thereafter he shall proceed to dispose of the matter and shall pass a final order within a period of two weeks from the date of conclusion of hearing before him. If the petitioner does not appear on the date fixed, the Registrar, Co-operative Societies shall be free to proceed in the matter ex-parte.

7. With these observations and direction, this writ application stands disposed of.