
(2013) 07 MP CK 0289
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1321 of 2013

Raghvendra

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 01-07-2013

Acts Referred:

Madhya Pradesh Co-operative Societies Act, 1960 — Section 64

Citation : (2013) 07 MP CK 0289

Hon'ble Judges : U.C. Maheshwari, J;B.D. Rath, J

Bench : Division Bench

Advocate : R.B.S. Tomar, for the Appellant; M.P.S. Raghuvanshi, Additional Advocate General for Respondents No. 1 to 4, Shri N.S. Tomar, Advocate for Respondents No. 5 to 10 and 15 to 17 and None for Other Respondents, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard on the question of admission. Petitioner being citizen of this Country and resident of village Ruar Maina Basai, Tahsil Jaura District Morena has filed this petition as Public Interest Litigation with the following reliefs:

i-That, the list issued by the returning officer U/r 41(12) of the Rules, 1962 may kindly be quashed.

ii-That, entire election of the Primary Agriculture Credit Cooperative Society Maina Basai Tehsil Jaura Distt. Morena in which respondent No. 7 to 17 have been illegally declared as an unopposed winning candidates may kindly be quashed.

2. Having heard learned counsel, we have carefully gone through the papers placed on record.

3. We are of the considered view that in the light of provisions relating to election petition against the elected candidates in the election of cooperative society, this Public Interest Litigation could not be entertained to defeat the provisions of such

election petition even otherwise the impugned election being election of cooperative society is falling under the dispute which is squarely covered under the definition of dispute as defined u/s 64 of Cooperative Societies Act so such alternative forum is available to the petitioner to challenge the issue raised in this petition. In such premises, this petition being not entertainable as Public Interest Litigation is hereby dismissed. However, it is observed that the petitioner shall be at liberty to approach the appropriate forum with the appropriate proceedings permissible under law.