

(2024) 05 JH CK 0011
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2125 Of 2024

Rohit Gupta

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 02-05-2024

Acts Referred:

Constitution Of India, 1950 — Article 226
Jharkhand Co-Operative Societies Act, 1935 — Section 48

Citation : (2024) 05 JH CK 0011

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Apurva Shrestha, Vikas Kumar, Jai Prakash

Final Decision : Disposed Of

Judgement

Ananda Sen, J

1. By way of filing the present writ petition, the petitioner has sought for following reliefs:-

"For issuance of an appropriate writ/ writs, order/ orders, direction/ directions in the nature of Mandamus directing respondents, particularly to Respondent no. 3 and 4 to consider the representation of petitioner made by the petitioner on 29.11.2023 to Respondent no. 4 regarding anomaly being done by Respondent no. 8 and also further direction issued to respondent number 8 to change the owner's name in Vijaya Heritage Welfare Committee maintenance bill along with car parking."

2. From the prayer and the submission made during the course of argument, I find that there is an inter-se dispute between the members of the society and the society concerned.

3. There is a provision in the Jharkhand Co-operative Societies Act, 1935 (hereinafter referred to as 'the Act of 1935) for redressal of these types of

grievances. Section 48 of the Act of 1935 provides for a mechanism so that the dispute can be resolved by the authority who is empowered to resolve the dispute. As per the aforesaid Section, the dispute has to be referred to be the Registrar, Co-operative Societies.

4. Thus, I direct the petitioner to approach the Registrar, Co-operative Societies, by invoking Section 48 of the Jharkhand Co-operative Societies Act, 1935. Article 226 of the Constitution is not an appropriate remedy for the relief as sought for in the instant writ petition.

5. If any application is filed before the Registrar, Co-operative Societies, it is expected that the matter should be taken up and decided strictly in terms of Section 48 of the Co-operative Societies Act, 1935.

6. In view of the aforesaid direction, the instant writ petition is disposed of.