
(2013) 10 MP CK 0288
In the Madhya Pradesh High Court
Case No : Writ Petition No. 2403 of 2011

Ummed Singh

APPELLANT

Vs

The State of M.P. and Others

RESPONDENT

Date of Decision : 04-10-2013

Acts Referred:

Madhya Pradesh Co-operative Societies Act, 1960 — Section 53(1)

Citation : (2013) 10 MP CK 0288

Hon'ble Judges : S.K. Gangele, J

Bench : Single Bench

Advocate : H.D. Gupta, Assisted by Mr. J.D. Suryavanshi, for the Appellant; Vivek Khedkar, D.A.G. for the Respondents No. 1 to 3-State, Shri Kaushlendra Singh, Advocate for the Respondent No. 4, Shri Raghvendra Dixit, Advocate for the Respondent No. 5 and Shri R.P. Singh, Advocate for the Respondent No. 6, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Gangele, J.—The petitioner has filed this petition for the following reliefs:-

A. The Hon''ble Court be pleased allow the petition and the direction be given to respondents No. 1 to 5 conduct the election to fill the post of directors lying vacant due to resignation of respondent No. 6, 7 & 8.

B The Hon''ble Court be further pleased to direct appropriate action against the authorities of cooperative department who have un lawfully and deliberately making hurdles in functioning of forming board of the Dugdh Sangh.

C Any other suitable relief deemed fit in the facts and circumstances for the case may kindly be also granted together with the cost of this petition.

Gwalior Sahkari Dugdh Sangh Maryadit, Gwalior is a Cooperative Society registered under the provisions of M.P. Cooperative Societies Act 1960 (hereinafter referred to as "Act of 1960"). The elections of the Society were held in pursuance to the directions issued by the Hon''ble Supreme Court. The

Returning Officer declared seven persons elected as office bearers of the Society unopposed. Copy of the list of the persons has been filed as Annexure P-1 in the petition. The election of Chairman and representatives of M.P. Dugdh Sangh Maryadit Bhopal could not be held. Thereafter, the present petition has been filed for holding the elections. The petitioner pleaded that the State authorities were adamant to dissolve the Board of the bank.

2. The respondent/State in its return and also in the application for issuing further direction and vacating stay pleaded that OIC was appointed of the Society vide order dated 30-10-2007. In accordance with the amended provisions of M.P. Cooperative Societies (Amendment) Act, 2012, Registrar can only appoint administrator of the Society of a Cooperative Bank for the period of one year and in regard to other Society for a period of six months. The relevant provisions of Section 53(1) of the Act of 1960, which is amended by M.P. Cooperative Societies (Amendment) Act 2012, are as under:-

3. OIC of the Society was appointed in the year 2007. Hence, in accordance with amended Act, holding election of the Society is necessary.

4. Counsel for the State has submitted that the Government is willing to hold election of the Society.

5. Learned Senior counsel has contended that the contention of the petitioner in regard to colourable exercise of power has not been decided by the court and it has to be decided first.

6. In my opinion, it is not necessary to decide the aforesaid contention. The Government is willing to hold the election of the society. This is also the mandate of the section 53 (1) of the amended act. The OIC has been functioning for the last six years. In view of the statement made by learned Government Advocate and the contention mentioned in the reply, the prayer of the petitioner has already been accepted. Hence, the petition has become infructuous.

7. In this view of the matter, petition filed by the petitioner has become infructuous because the Government itself is going to hold the elections of the society, which is in accordance with the orders passed by the Hon"ble Supreme Court. Consequently, I do not find any merit in this petition. It is hereby dismissed as infructuous. No order as to costs.