

(2025) 09 MP CK 1046

In the Madhya Pradesh High Court, Indore Bench

Case No : Writ Petition No. 38520 Of 2025

Vimal Kumar Ajmera

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-09-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Madhya Pradesh Co-Operative Societies Act, 1960 — Section 56(3), 78, 78(1)

Citation : (2025) 09 MP CK 1046

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Ashok Kumar Sethi, Ashutosh Nimgaonkar, Ajay Mishra, Sudeep Bhargava

Final Decision : Dismissed

Judgement

Pranay Verma, J

1. By this petition preferred under Article 226 of the Constitution of India, the petitioner has challenged the order dated 22.09.2025 (Annexure P-3) and the show cause notice dated 03.09.2025 (Annexure P-1) passed under the provisions of Section 56 (3) of MP Cooperative Societies Act, 1960

2. Learned counsel for the petitioner submits that the impugned order is wholly illegal and contrary to law. The same has been passed without considering the averments as made in the reply filed by the petitioner. Though detailed reply had been filed but it has not been stated in the order as to why the same has not been found to be acceptable.

3. Learned counsel for the respondents have raised a preliminary objection to the effect that the impugned order is an appealable order and an appeal lies against the same before the appellate authority under section 78 of the Act, 1960.

4. The impugned order has been passed by the Assistant Registrar under Section 56 (3) of the Act, 1960. The same has been passed upon a delegation having

been made to him by the registrar hence would be taken to be an order passed by Registrar himself. Against an order passed by the Registrar, an appeal lies before the appellate authority under section 78 (1) of the Act, 1960. It cannot be said that the impugned order is wholly without jurisdiction or has been passed in gross violation of the principles of natural justice. Merely for contending that the averments made in the reply have not been considered, the order would not be rendered to be without jurisdiction. There are various disputed questions of facts which are involved in the matter which can be adjudicated only by the appellate authority and not by this Court in exercise of power under Article 226 of the Constitution of India. The order dated 01.12.2022, which was passed in WP No. 27476 of 2022 was on the ground that no show cause notice or opportunity of hearing was given to the petitioner but the same is not the case presently, hence the said order does not benefit the petitioner in any manner

5. Thus, in view of the aforesaid, this petition is declined to be entertained and is accordingly dismissed reserving liberty to the petitioner to avail the alternate remedy as available to him under the law. However, in the peculiar facts of the case it is directed that in case appeal is preferred by the petitioner within a period of 15 days from today along with an application for stay then till consideration of the stay application the impugned order dated 22.09.2024 shall remain in abeyance. Appellate authority shall however decide the stay application preferred by the petitioner on its own merits.