



2026:CGHC:19062



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 360 of 2025

RESERVED ON 15-4-2026

DELIVERED ON 25-4-2026

Manoj Kumar Agrawal S/o Shri Govind Ram Agrawal Aged About 38 Years Former President, Seva Sahkari Samiti Maryadit, Korbi, Reg. No. 993, District : Janjgir-Champa, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary Cooperative Society Department Mantralaya, New Raipur, Chhattisgarh.

2 - The Commissioner Cooperative And Registrar Cooperative Society Chhattisgarh, Block- 2, 3rd Floor, Indrawati Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.

3 - The Registrar Cooperative Society Nava Raipur Atal Nagar, District Raipur, Chhattisgarh.

4 - The Joint Registrar Cooperative Society Bilaspur Division, Bilaspur, Chhattisgarh.

5 - The Deputy Registrar Cooperative Society, Janjgir, District : Janjgir-Champa, Chhattisgarh

6 - Madikant Agrawal Newly Appointed Administrator/ Authorized Officer, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, Block Development And Tahsil- Balouda, District : Janjgir-Champa, Chhattisgarh

7 - Smt. Vrindabai/ Narad Prasad Former Vice President, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

8 - Ganesh Ram Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

9 - Ghanshyam / Puriram Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh



10 - Shri Laxmi Kumar Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

11 - Kaluram Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

12 - Jawahar Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

13 - Smt. Teras Bai Former Director Member, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, District : Janjgir-Champa, Chhattisgarh

14 - Seva Sahakari Samiti Maryadit Korbi Registration No. 993, Development Block Baloda, Tehsil Baloda, Distt. Janjgir Champa, Chhattisgarh, Through The Authorised Officer, Seva Sahakari Samiti Maryadit Korbi, Registration No. 993, Development Block Baloda, Tehsil Baloda, Distt. Janjgir Champa, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Amrito Das, Adv.
For Respondents No. 1 to 5	:	Mr. Shaleen Singh Baghel, Govt. Adv.
For respondent No. 6 and 14		Mr. Ravindra Sharma, Adv. with Mr. Akash Agrawal, Adv.
For respondents No. 7 to 13.		None appears.

Hon'ble Shri Justice Naresh Kumar Chandravanshi

CAV Order

1. With consent of the learned counsel for the parties, heard the matter finally.
2. The petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking following reliefs :-

“10.1 That this Hon'ble Court may kindly be pleased to set aside/quash the order dated 03/01/2025 (Annexure P-1) and 14/11/2024 (Annexure P-2) passed by the learned President, Chhattisgarh Cooperative Society Tribunal, Bilaspur (C.G.) and



respondent No.5 respectively and maintain the order dated 29/10/2024 (Annexure P-6) passed by respondent No.4.

10.2 Any other relief, which may be deemed, fit by this Hon'ble Court in the facts and circumstances of the case may also be provided in favour of the petitioner.”

3. Brief facts of the case, as projected in instant writ petition, are that, election of members of respondent No. 14/Seva Sahakari Samiti Maryadit, Korbi (henceforth referred to as ‘Society’), was held on 16-6-2019 and in that election, vide Annexure P-3, the petitioner along with other ten persons have been elected as members of above said Society and the members elected the petitioner as President of the elected body to manage the affairs of the society. Upon a complaint made by respondent No. 6/Manikant Agrawal to the Collector Janjgir, an enquiry team was constituted to inquire the complaint regarding cheating and embezzlement of amount, thereafter the FIR has been registered against the petitioner bearing Crime No.468/2022 at police station Balauda, for the offences under sections 420, 120(B) read with 34 of IPC and the petitioner was languishing in jail from 24/02/2023 to till



02/08/2023.

3.1 The elected body was working from 16/06/2019 to 16/12/2022. The respondent No.5/Dy. Registrar, Cooperative Societies passed an order (Annexure P-4) on 16/12/2022 and superseded the governing body under section 53(1) of the **C.G. Cooperative Societies Act, 1960 (henceforth referred to as 'Act of 1960')**. The petitioner being aggrieved by the order (Annexure P-4) dated 16/12/2022, preferred a First Appeal under section 78(1) of the Act of 1960 before respondent No.4/Joint Registrar, Cooperative Societies and the same was dismissed on 20/09/2023 on a technical ground of limitation. Thereafter, the petitioner has preferred a Second Appeal No. 08/2024 under section 78(2) of the Act of 1960 before **the Chhattisgarh State Cooperative Tribunal, Bilaspur (henceforth, referred to as 'the Tribunal')** and the learned Tribunal passed order (Annexure P-5) dated 10-09-2024 in favour of the petitioner whereby it has set aside the order dated 20-09-2023 passed by respondent No.4, remitted back the matter and directed the respondent No.4 to decide the case of petitioner on merit. The respondent No.4/Joint Registrar allowed the first appeal of the petitioner vide order (Annexure P-6) dated 29-10-2024 and set aside the order



dated 16/12/2022 passed by the respondent No.5. Thereafter, the petitioner made various representations (Annexure P-7 collectively) for handing over the charge of the said Society and also requested respondent No.5 to decide his representation but no action has been taken on his representation. The respondent No.5 instead of taking action on the representations of the petitioner, vide order Annexure P-2 dated 14-11-2024 appointed respondent No.6 as Administrator/ Authorized Officer to run and manage of the affairs of the Society.

3.2 The respondent No.6 has preferred an appeal No. 30/2024 before the Tribunal against the order dated 29-10-2024 passed by respondent No.4 and the same appeal has been decided by the Tribunal on 03-01-2025 vide order Annexure P-1, by which the Tribunal has set aside the order dated 29-10-2024 (Annexure P-6) and matter was remanded back directing the First Appellate Authority to implead the Society through its Authorized Officer and other necessary party, call original record and after providing opportunity of hearing to the parties, pass order afresh. Hence, being aggrieved by the order (Annexure P-1) dated 3-1-2025 and order dated 14-11-2024 by which respondent No. 6/Manikant



Agrawal has been appointed as Authorized person to exercise the power of the Board, instant petition has been filed.

4. Respondent No. 6 Manikant Agrawal/Authority Officer, who is main contesting party, has filed his reply stating therein that, being President of the Society, the petitioner has committed repeated irregularities, as under his instructions, the Society purchased paddy of the persons who were not having any agricultural land, rather, forest land was shown as agricultural land and paddy was purchased against that forest land, therefore, on being complaint made by the respondent No. 6, an inquiry was conducted and based on the inquiry report, FIR for the offence under Sections 420, 409, 468, 471, 120B and 34 of the IPC was lodged against various persons of the Society and after investigation, charge sheet was filed against accused persons including the petitioner, which was registered as Criminal Case No. 445/2023. Subsequently, the petitioner was arrested. In such situation, respondent No. 5 passed order under Section 53 of the Act of 1960, superseded the Board of the Society and appointed competent authority for smooth functioning of the Society. After lapse of limitation period, the petitioner preferred the appeal challenging order



dated 16-12-2022 before the First Appellate Authority/respondent No. 4, who dismissed the first appeal on the ground of limitation vide order dated 20-9-2023. The appeal preferred against the order dated 20-9-2023 was allowed and the order dated 20-9-2023 was set aside by the Tribunal vide order dated 10-9-2024 on the technical ground i.e. barred by limitation and the matter was remanded back to respondent No. 4 to decide the same on merit. Thereafter, the First Appellate Authority/respondent No. 4 allowed the appeal vide order (Annexure P-6) dated 29-10-2024 without providing due opportunity of hearing to respondent No. 6. Therefore, after appointment of respondent No. 6 as Authorized Officer, he preferred an appeal before the Tribunal against the order dated 29-10-2024 passed by respondent No. 4, which was allowed by the Tribunal vide impugned order (Annexure p-1) dated 3-1-2025 and the matter was remitted back to the First Appellate Authority/respondent No. 4 with direction to implead Authorized Officer of the Society and all other necessary parties and pass order afresh.

5. Respondents No. 7 to 13 have filed joint return/reply in which, they have supported the petitioner.
6. Respondents No. 1 to 5/state has also filed its return



referring the facts mentioned by respondent No. 6 in his reply. It has been further stated that, after filing charge sheet against the petitioner and other co-accused persons and considering the reply filed by the members of the Board of the Society, only 4 members, who appeared before the office, were allowed to work as members of the Board, but since quorum could not be completed and it was not possible for the Board to take any decision, therefore, under Section 51 of the Act of 1960, respondent No. 5 dissolved the Board and appointed Authorized Officer to perform work of it. Since, respondent No. 4 passed the order (Annexue P-6) dated 29-10-2024 in haste manner without providing due opportunity of hearing to the opposite party and the Society was also not impleaded as party before the First Appellate Authority, therefore, there is no illegality in impugned order (Annexure P-1) of the Tribunal remanding the matter with said direction.

7. Respondent No. 14 has also filed its reply, in which, it has reiterated the facts stated by respondent No. 6 and the State in their reply.

8. Learned counsel for the petitioner would submit that -

(I) vide order dated 29-10-2024, the respondent No.



4/First Appellate Authority set aside the order dated 16-12-2022 passed by respondent No. 5, whereby the Society was superseded and the Authorized Officer was appointed, but since the order dated 16-12-2022 was set aside by the First Appellate Authority vide order dated 29-10-2024, therefore, the status of the petitioner as President of the Society was restored, but even after bringing about the aforesaid fact to the knowledge of the concerned Authorities and filing representation by the petitioner to hand over the charge, the respondent No. 5 did not hand over charge, rather it appointed respondent No. 6 Manikant Agrawal as Authorized Officer vide order (Annexure P-2) dated 14-11-2024 effecting superseding order (Annexure P-4) dated 16-12-2022, which was set aside by the First Appellate Authority/respondent No. 4, therefore, appointment of respondent No. 6 as Authorized Officer vide Annexure P-2 is not only *ab initio* illegal, rather he has no authority to file Appeal No. 30/2024 as Authorized Officer on behalf of the Society.

(ii) Learned counsel for the petitioner further submits that, in earlier round of litigation, the Tribunal had rejected the objections filed by respondent No. 6 in order (Annexure P-5) dated 10-9-2024, but subsequently after his appointment as



Authorized Officer, the appeal filed by him was allowed vide impugned order (Annexure P-1) dated 3-1-2025, whereas respondent No. 6 has no locus to file appeal as Authorized Officer.

(iii) It is further submitted that, since various members of the Board of the Society were already party before the First Appellate Authority/ respondent No. 4 and the Society was not affected in any manner by the order passed by the respondent No. 4 on 29-10-2024, therefore, not impleading the Society as party did not cause any prejudice to it, hence remanding the matter by the Tribunal directing First Appellate Authority to permit impleadment of the Society/Authorized Officer and all other members of the Board and thereafter pass order afresh, is completely illegal. On the strength of aforesaid submissions, learned counsel for the petitioner prayed that, relief sought by the petitioner may be granted.

9. In reply, learned counsel appearing for respondents No. 6 and 14, who are main contesting parties, would submit that -

(I) whole issue is pertaining to the Sewa Sahkari Samiti Maryadit, Korbi, Distt. Janjgir-Champa. The Society is run either by the office bearers or by the Board of the Society or by Authorized Officer, therefore, if any dispute is raised



before the Courts/Tribunals, then, concerned Society is always a necessary party either through President/Secretary or through Authorized Officer. But, the Society was never impleaded before the Appellate Authority by the petitioner, whereas any order passed pertaining to the Society will directly affect governance / governing body / authority of the Society, therefore, the Society was necessary party, as such there is no perversity or illegality in the impugned order of remand passed by the Tribunal.

(ii) Learned counsel further submits that, though superseding order dated 16-12-2022 (Annexure P-4) was quashed by respondent No. 4 vide order (Annexure P-6) dated 29-10-2024, but that order does not restore status of the petitioner as President of the Society without any formal order passed by the respondent No. 5. Hence, contention raised by learned counsel for the petitioner that, since respondent No. 6 was appointed subsequent to order dated 29-10-2024, as such, his appointment was illegal, is misconceived.

(iii) Learned counsel for the respondents No. 6 & 14 further submits that, appeal has not been decided by the Tribunal on merit vide impugned order Annexure P-1, rather it



has been disposed of on technical ground and direction that since the Society and other necessary parties have not been impleaded before the First Appellant Authority, therefore, the matter has been remitted back to the First Appellant Authority directing it to implead the Society through its Authorized Officer and all other necessary party in the appeal and pass order afresh, therefore, the various legal grounds raised by the petitioner with regard to illegality of order (Annexure P-4) dated 16-12-2022 and Annexure P-2 dated 14-11-2024 etc. cannot be considered in this petition, rather, this writ petition can be confined only to examine the issue as to whether the impugned order (Annexure P-1) passed by the Tribunal is sustainable or not in the eye of law, which is not sustainable on aforesaid grounds raised by the respondents, hence the writ petition deserves to be dismissed.

10. Learned counsel appearing for the respondents No. 1 to 5/state extended his support to the contention raised by learned counsel for the respondents No. 6 & 14.
11. Heard learned counsel for the parties and perused the material available on record.
12. Bare perusal of the impugned order Annexure P-1 passed by the Tribunal shows that, it has not been passed on merit, rather, the appeal No. 30/2024 has been disposed of on



technical ground that the respondent No. 4 has passed the order Annexure P-6 dated 29-6-2024 without impleading necessary party, therefore, the Tribunal has remitted back the matter directing respondent no. 4 / First Appellate Authority to implead the Society through its Authorized Officer and other necessary party in memo of appeal and after affording them opportunity of hearing and calling original record, pass order afresh. Though, the petitioner has also challenged the order Annexure P-2 dated 14-11-2024 whereby respondent no. 6 Manikant Agrawal was appointed Authorized Officer by respondent No. 5 under Section 49(8) of the Act of 1960, but legality or illegality of that order cannot be considered in the instant writ petition, as it has not been considered by the Tribunal in the impugned order (Annexure P-1) dated 3-1-2025, therefore, the only issue to be considered by this Court is, as to whether the remand order (Annexure P-1) suffers from any perversity or illegality ?

13. Undisputedly, whole issue pertains to affairs of the Sewa Sahkai Samiti Maryadit, Korbi, Distt. Janjgir-Champa registration No. 993, as in the year 2019, petitioner and other office bearers were elected, subsequently, petitioner was elected as President, but on account of criminal case registered against him, respondent No. 5 vide order



(Annexure P-4) dated 16-12-2022, superseded/replaced the Board of the Society and appointed Authorized Officer, subsequently vide order Annexure P-2 dated 14-11-2024, respondent No. 6 Mankiant Agrawal has been appointed as Authorized Officer. It was contended by learned counsel for the petitioner that, since prior to appointment of respondent No. 6 as Authorized Officer, order dated 16-12-2022 was set aside by the First Appellate Authority vide Annexure P-6 dated 29-10-2024, therefore, status of the petitioner as President of the Society was restored, hence order (Annexure P-2) of appointment of respondent No. 5 is illegal. But since this issue and various other issues raised by the petitioner pertaining to order (Annexure P-4) dated 16-12-2022 and order (Annexure P-2) dated 14-11-2025 have not been considered by the Tribunal, therefore, as has been stated, those issues/ grounds cannot be considered in instant writ petition. Further rejection of order (Annexure P-4) dated 16-12-2022 by the respondent No. 4/Joint Registrar vide order Annexure P-6 does not *ipso facto* reinstate the petitioner on the post of President of the Society until and unless, respondent No. 5 passes formal order on this count, which has not been passed by it. Therefore, contention raised by the learned counsel for the petitioner in this regard is also not sustainable.



14. So far as remand order (Annexure P-1) is concerned, as has been stated above, whole issue /dispute is pertaining to the Society and its operations/officer bearers, therefore, whatever order is passed by the Authority/Tribunal will directly affect the operational body of the Society, as such, the Society is a necessary party in whole dispute pending consideration either before the appellant authority or before the Tribunal, but without impleading it, the order dated 29-10-2024 was passed by the First Appellate Authority. Therefore, this Court does not find any perversity or illegality in the impugned order passed by the Tribunal.
15. Though some of the Board members were impleaded as party before the First Appellate Authority/respondent No. 4, but it appears that, all members were not impleaded. Further since the Board of the Society was dissolved, therefore, those members were not having capacity to represent the Society, rather since the Authorized Officer was appointed to run affairs of the Society and allegations levelled against the petitioner i.e. financial and various other irregularities, the Society represented through Authorized Officer was necessary party to be impleaded before the Appellate Authority. Hence, contention of learned counsel for the petitioner that since the Board members were party before the



Appellate Authority, therefore, not impleading the Society as party does not affect the root of the issue, is not found to be sustainable.

16. In the case of **Public Service Commission, Uttaranchal v. Mamta Bisht and Ors. [(2010) 12 SCC 204]**, Hon'ble Supreme Court while dealing with the concept of necessary parties and the effect of non-impleadment of a necessary party observed thus:

“7.in **Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, Bihar and Anr.** (AIR 1963 SC 786), wherein the Court has explained the distinction between necessary party, proper party and proforma party and further held that if a person who is likely to suffer from the order of the Court and has not been impleaded as a party has a right to ignore the said order as it has been passed in violation of the principles of natural justice. More so, proviso to Order I, Rule IX of Code of Civil Procedure, 1908 (hereinafter called Code of Civil Procedure) provide that non-joinder of necessary party be fatal. Undoubtedly, provisions of Code of Civil Procedure are not applicable in writ jurisdiction by virtue of the



provision of Section 141, Code of Civil Procedure but the principles enshrined therein are applicable. (Vide Gulabchand Chhotalal Parikh v. State of Gujarat AIR 1965 SC 1153; Babubhai Muljibhai Patel v. Nandlal, Khodidas Barat and Ors. AIR 1974 SC 2105; and Sarguja Transport Service v. State Transport Appellate Tribunal, Gwalior and Ors. AIR 1987 SC 88)."

17. Similar view has also been reiterated by Hon'ble Supreme Court in the case of **J.S. Yadav Vs. State of UP and anr.** [(2011) 6 SCC 570] in para 31 of the judgment, which reads thus :-

"31. No order can be passed behind the back of a person adversely affecting him and such an order if passed, is liable to be ignored being not binding on such a party as the same has been passed in violation of the principles of natural justice. The principles enshrined in the proviso to Order 1 Rule 9 of the Code of Civil Procedure, 1908 provide that impleadment of a necessary party is mandatory and in case of non-joinder of necessary party, the petitioner-plaintiff may not be entitled for the relief sought by him. The litigant has to ensure that the necessary party is before the



court, be it a plaintiff or a defendant, otherwise the proceedings will have to fail. ...”

18. From the aforesaid enunciation of law there cannot be any trace of doubt that an affected party has to be impleaded so that the doctrine of *audi alteram partem* is not put into any hazard.
19. Thus since the impugned order Annexure P-1 has not been passed on merit and the order dated 29-10-2024 was passed by the respondent No. 4 /First Appellate Authority without impleading necessary party, hence in view of above discussion and in the light of above referred decision of Hon’ble Supreme Court, impugned remand order (Annexure P-1) dated 3-1-2025 passed by the Tribunal does not suffer from any perversity or illegality, hence the same is affirmed.
20. The instant writ petition being devoid of substance, deserves to be and is hereby dismissed. However, respondent No. 4/First Appellate Authority is directed to decide the first appeal in accordance with law, as early as possible preferably within a period of 90 days from the date of receipt of a copy of this order.
21. Interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-

(Naresh Kumar Chandravanshi)
Judge