



2026:CGHC:20870

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2214 of 2026**

1 - Krishak Seva Sahkari Samiti Maryadit Biltukri Registration No.42, A Society Registered Under The Chhattisgarh Co-Operative Societies Act, 1960 And Having Its Registered Address At Beltukri, Tehsil Rajim, District- Gariyaband, Chhattisgarh. Through Its Manager Shri Manoj Kumar Diwakar, S/o- Shri Kirtan Lal Diwakar, Aged 43 Years, R/o- Ward No. 11, Barpara, Kataud, Janjgir-Champa, C.G. 495557.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperation, Mantralaya, Naya Raipur, Atal Nagar, District - Raipur (C.G.)

2 - Joint Commissioner, Cooperative, Raipur Division, Chhattisgarh, Opp. Lal Ganga Shopping Mall, G.E. Road, District - Raipur (C.G.) Email- Jrcsraipur1@Gmail.Com

3 - Assistant Commissioner, Cooperative And Assistant Registrar, Cooperative Societies, Khare Patwari Bldg., bhooteshwar Nath Chowk, District- Gariyaband, Gaurav Path Road, (C.G.) P I N-493889 Email- Arcsgariaband2@Gmail.Com

4 - Collector District Gariyaband, Chhattisgarh District Collectorate Office Gariyaband, C.G.-493889 Email- Gariaband.Cg@Gov.In

... Respondent(s)



(Cause Title is taken from CIS System)

For Petitioner : Mr. Mallick Sudip Ravi, Advocate

For State : Mr. Soumitra Kesharwani, Panel Lawyer

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05/05/2026

1. The petitioner has filed this writ petition seeking following reliefs :

"A) This Hon'ble Court may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside the impugned letter dated 02.04.2026 issued by Respondent Authority;

B) Stay the operation and effect of the impugned letter dated 02.04.2026 during pendency of the present petition;

C) Grant any other relief that this Hon'ble Court may deem fit and proper in the interest of justice."

2. Brief facts of the case, as projected, are that the petitioner is a registered Primary Agricultural Cooperative Society engaged in procurement of paddy under various State procurement schemes at the Minimum Support Price (MSP). The present dispute arises



out of procurement of Kharif crop paddy for the year 2024–2025, wherein, according to the petitioner, due to delay in lifting of stock from procurement centres, a substantial surplus stock accumulated beyond the prescribed limits, resulting in alleged dryage losses. It is the specific stand of the petitioner that such delay in lifting of paddy was solely attributable to the failure of the respondent authorities to act upon instructions for priority lifting, and not due to any negligence, omission, or misconduct on the part of the petitioner Society. It is further averred that earlier the petitioner had approached this Court by filing Writ Petition (Civil) No. 2323/2025 seeking protection against coercive action, wherein this Court vide order dated 14.07.2025 directed the petitioner to submit a representation before the competent authority and further directed the authorities to consider and decide the same within a period of 90 days. In compliance thereof, the petitioner submitted a detailed representation dated 31.07.2025 before the Collector, however, no decision has been taken thereon till date. It is also stated that during the Chhattisgarh Legislative Assembly Budget Session (February–March 2026), certain discussions took place regarding shortage of paddy and action against cooperative societies. Thereafter, without considering the petitioner's representation or undertaking any inquiry, the respondent authorities issued the impugned letter dated 02.04.2026 directing initiation of proceedings under Section



58(b) of the Chhattisgarh Co-operative Societies Act, 1960 for recovery of alleged losses. Based on such direction, the Assistant Commissioner, Cooperative Societies, District Gariyaband issued the impugned communication dated 02.04.2026. Aggrieved by the said action, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that the impugned letter dated 02.04.2026 is wholly arbitrary, illegal and without jurisdiction, as the same has been issued mechanically without any independent application of mind. It is contended that the impugned action is based solely on legislative discussions held during the Assembly Session, which have no binding or adjudicatory value in law. It is further submitted that no show cause notice or opportunity of hearing has been afforded to the petitioner prior to initiation of recovery proceedings, thereby rendering the action violative of principles of natural justice. Learned counsel further submits that as per Section 58(b) of the Chhattisgarh Co-operative Societies Act, 1960, any liability for loss must be preceded by a proper audit, inquiry or inspection establishing negligence or misconduct. However, in the present case, no such exercise has been undertaken and the impugned letter has been issued in absence of any foundational facts. It is also contended that despite the earlier direction of this Court in W.P.(C) No. 2323/2025, the representation submitted by the



petitioner has not been decided, and without addressing the same, the impugned action has been initiated in an arbitrary manner. On these grounds, it is prayed that the impugned letter be quashed.

4. Per contra, learned State counsel opposes the petition and submits that the impugned letter dated 02.04.2026 is merely a preliminary communication directing initiation of proceedings under Section 58(b) of the Act. It is submitted that no final determination of liability has been made against the petitioner and no recovery has been effected as yet. The impugned communication only authorizes the concerned officers to undertake the exercise of assessing and calculating the alleged deficit. Learned State counsel further submits that the petitioner will be granted full opportunity to place its case during the course of such proceedings and all contentions raised in the present petition can be duly considered by the competent authority. It is thus contended that the present petition has been filed prematurely, without any accrued cause of action, and therefore does not warrant interference by this Court.
5. Heard learned counsel for the parties at length and perused the material available on record.
6. From the reliefs sought and the documents placed on record, it is evident that the challenge in the present petition is directed



against the communication dated 02.04.2026, whereby the competent authority has merely directed initiation of proceedings under Section 58(b) of the Chhattisgarh Co-operative Societies Act, 1960. A careful perusal of the impugned letter indicates that the concerned authorities have only been authorized to initiate proceedings and to undertake the exercise of assessment and calculation of the alleged deficit or loss at the procurement centres. The said communication does not, by itself, determine any liability nor does it impose any adverse civil consequences upon the petitioner at this stage.

7. It is well settled that this Court, in exercise of its writ jurisdiction, ordinarily does not interfere at a stage where only preliminary steps have been taken and no final order affecting the rights of the parties has been passed. The petitioner will have adequate opportunity to raise all objections, including those relating to absence of inquiry, violation of statutory provisions, and principles of natural justice, before the competent authority during the course of proceedings. In the considered opinion of this Court, the present petition has been filed at a premature stage, in the absence of any accrued cause of action, and therefore does not call for interference.
8. Accordingly, the writ petition is hereby **dismissed** as being premature. However, it is made clear that if any cause of action



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arises in favour of the petitioner or any adverse order is passed against the petitioner in future, the petitioner shall be at liberty to avail appropriate remedies in accordance with law.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna