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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2098 of 2023

- 1 - Sarkari Karamchari Grah Nirman Sahkari Samiti Maryadit Mopka, Bilaspur, Reg. No. 3157, Through Its President Durgesh Kumar Gorakh
- 2 - Durgesh Kumar Gorakh S/o B.L Gorakh Aged About 65 Years R/o Shivaji Chowk, Tikrapara, Bilaspur, Chhattisgarh
- 3 - Sanjay Kumar Tiwari, S/o B. Tiwari, Aged About 54 Years R/o Mopka, Bilaspur, Chhattisgarh, Vice- President Sarkari Grah Nirman Sahkari Samiti Maryadit, Mopka, Bilaspur, Reg. No. 3157

... Petitioners

versus

- 1 - State Of Chhattisgarh Through The Secretary, Cooperative Department, Indrawati Bhawan, Naya Raipur, Chhattisgarh
- 2 - Collector, District Bilaspur, Chhattisgarh
- 3 - Deputy Registrar, Cooperative Societies, Composite Building, Bilaspur, Chhattisgarh
- 4 - Tahsildar, District Bilaspur, Chhattisgarh
- 5 - Hemvati Nandan Purena, Senior Cooperative Inspector, Deputy Registrar Office, Bilaspur, Chhattisgarh

... Respondents

For Petitioners	:	Mr. Pritam Singh, Advocate
For Respondent No.5	:	Mr. R.L. Rajak, Advocate
For Intervener	:	Mr. Abdul Moin Khan, Advocate
For State	:	Mr. Anmol Sharma, PL

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

15/10/2026

1. The petitioners, in this Writ Petition, have prayed for the following reliefs:-

“10.1 That, this Hon'ble Court may be pleased to allow the instant Writ Petition filed by the Petitioners in the interest of Justice.

10.2 That, the Hon'ble Court may kindly be pleased to call for entire record pertaining to the instant case.

10.3 That, the writ certiorari may kindly be passed quashing the impugned order (Annexure P-1).

10.4 That, the writ of mandamus against the respondents may kindly passed and particularly against the Respondent No.5, restraining them from interfering with the affairs of the Society.

10.5 That, the Hon'ble Court may pass any order in the interest of justice in favor of the petitioners with cost of the petition may also be granted to the petitioner.”

2. At the outset, learned State counsel, referring to paragraphs 3 and 4 of the return, submits that an alternative remedy of filing an appeal before the Joint Registrar is available to the petitioner under Section 78 of the Chhattisgarh Cooperative Societies Act, 1960. The said paragraphs read as under:

“3. It is respectfully submitted that it is appropriate for the petitioner to approach the competent authority for redressal of his grievance as per the

provisions of the Chhattisgarh Cooperative Societies Act, 1960 before the Joint Registrar, Cooperative Societies and thereafter before the Registrar and finally before the Chhattisgarh State Cooperative Tribunal, Bilaspur and the petitioner is having the statutory efficacious alternative remedy available but the petitioner has preferred the present petition without exhausting the said remedy and therefore the petition of the petitioners deserves to be dismissed.

4. It is respectfully submitted that every order passed by the Deputy Registrar is appealable before the Joint Registrar and thereafter before the Chhattisgarh State Cooperative Tribunal. In the instant case the petitioner is challenging the order impugned passed by the Deputy Registrar, Cooperative Societies and it is appropriate for the petitioner to approach the competent authority as per the provisions of the Chhattisgarh Cooperative Societies Act, 1960 and therefore there is an statutory efficacious alternative remedy is provided under the statute. Therefore the present petition is not maintainable. The Hon'ble Supreme Court in the matter of Transport & Dock Workers Union & Others Vs. Mumbai Port Trust & Another (2011)2 SCC 575 para No. 14 held that writ petition filed by the appellant should have been dismissed by the High Court on the ground of existence of alternative remedy under the Industrial Dispute Act. It is well settled that writ jurisdiction is a discretionary jurisdiction and the discretion should not be ordinarily be exercised if there is an alternative remedy available to the appellant. In

this case there was a clear alternative remedy available to the appellant by raising an Industrial Dispute and hence even failed to understand why the High Court entertained the writ petition. It seems to as that some High Courts by adopting an over liberal approach are unnecessarily aiding to their load of areas instead of observing judicial discipline in following settled principle.”

3. Learned counsel for the petitioners does not oppose the submission made by learned State counsel.
4. Having considered the submissions made by learned counsel for the parties and the specific objection raised by the State in paragraph 4 of the return regarding the availability of an alternative remedy of filing an appeal before the Joint Registrar under Section 78 of the Chhattisgarh Cooperative Societies Act, 1960, this Court is of the view that the petitioner may avail the said remedy in accordance with law.
5. Accordingly, this writ petition stands disposed of, reserving liberty in favour of the petitioners to approach the concerned appellate authority by filing an appeal in accordance with law.

Sd/-
(Amitendra Kishore Prasad)
Judge