



CGHC010304632022



2026:CGHC:34475

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4222 of 2022

SHYNA
AJAY

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1 - Hitesh Chandrakar S/o Shri Nayakram Chandrakar, Aged About 47 Years, R/o Village And Post Kusrupali, Tahsil Bagbahara, District Mahasamund Chhattisgarh.

2 - Nirakar Nayak S/o Shri Padam Lochan Nayak, Aged About 45 Years R/o Village & Post Jabalpur, Post Limdarha, Tahsil Pithoura, District Mahasamund Chhattisgarh.

3 - Kawal Singh Thakur S/o Shri Panku Thakur, Aged About 49 Years R/o Village Badhamuda, Post Devri, Tahsil Bagbahara, District Mahasamund Chhattisgarh.

4 - Rama Dhruv S/o Late Shri Narad Dhruv Aged About 47 Years R/o Village Bhaluchuva Post Kuchapali, Tahsil Bagbahara, District Mahasamund Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Co-operative Societies, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.

2 - State Co-operative Election Commission, Collectorate Opposite B.R. Ambedkar Statue, Raipur, District Raipur Chhattisgarh.

3 - The Managing Director Cum Co-ordinator, District Minor Forest Produce Co-Operative Society, General Forest Division, Mahasamund, District Mahasamund Chhattisgarh.

4 - The Returning Officer District Minor Forest Produce Co-operative Society
General Forest Division, Mahasamund, District Mahasamund Chhattisgarh

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	: Mr. Pawan Kesharwani, Advocate
For Respective Respondents	: Mr. Shobhit Mishra, Dy. GA, Mr. Trivikram Nayak, Advocate and Mr. Malay Shrivastava, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/08/2026

1. By way of this petition, the petitioners seek the following reliefs :

10.1 To call for the records of the case for the kind perusal of this Hon'ble Court.

10.2 To issue an appropriate writ or order and declare that the order dated 26.08.22 (Annexure P-1) passed by respondent no.4 is bad in law.

10.3 To issue an appropriate writ or order and quash the order dated 24.08.22 (Annexure P-2) passed by respondent no.3 and further to set aside the election result and to declare the whole election of District Minor Forest Produce Co-operative Federation, Mahasamund are bad in law and further to direct the authorities to conduct a fresh election or in alternate to direct the authorities to allow the petitioner no.3 & 4 along with other 10 voters to cast their vote and further recount the votes of the petitioners and other candidates and declare the results

accordingly in the interest of justice.

10.4 Any other relief deemed fit in the facts and circumstances of the case may also be granted.

2. At the outset, Mr. Trivikram Nayak, learned counsel for respondent No.3 has raised a preliminary objection regarding the maintainability of this petition. He submits that in pursuance of Section 64 (2)(v) of the Cooperative Societies Act, 1960 (in short “the Act of 1960”), any dispute arising in connection with the election of any officer of the society or representative of the society or of composite society is required to be adjudicated under the provisions of the aforesaid Act before the concerned Registrar and not before this Court under Article 226 of the Constitution of India. Time and again, the Hon’ble Supreme Court as well as this Court have consistently held that election disputes ought not to be entertained under writ jurisdiction. In support of his submissions, learned counsel places reliance on the judgment rendered by the Hon’ble Supreme Court in the matter of **Ram Chandra Choudhary and others Vs. Roop Nagar Dugdh Utpadak Sahakari Samiti Limited and others** reported in **2026 SCC OnLine SC 583**.
3. At this juncture, Mr. Pawan Kesharwani, learned counsel for the petitioners submits that since the legality and validity of the impugned order has been challenged, a writ petition under Article 226 of the Constitution of India is maintainable. He further submits that several voters and prospective candidates were denied the

opportunity to cast their votes. He submits that such action is illegal and arbitrary and therefore, amenable to the writ jurisdiction of this Court.

4. Mr. Shobhit Mishra, learned counsel for the Respondent-State submits that the preliminary objection has been rightly raised and thus, the matter is required to be adjudicated by the concerned authority having jurisdiction under the Act.
5. Mr. Malay Shrivastava, learned counsel appearing for the Respondent- State Co-operative Election Commission submits that a statutory remedy is provided under the Act itself, which cannot be bypassed by treating it as an alternative remedy. He submits that the matter is required to be adjudicated solely by the concerned authority vested with jurisdiction under Section 64(2)(v) of the Act of 1960. Further, the disputed questions of fact cannot be adjudicated under the writ jurisdiction under Article 226 of the Constitution of India.
6. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.
7. It would be apposite to reproduce Section 64(2)(v) of the Act of 1960, which reads as under :

64. Disputes - (1) Notwithstanding anything contained in any other law for the time being in force, [any dispute touching the constitution, management or business, terms and conditions of employment of a society or the liquidation of a society shall be referred to the Registrar] by any of the parties to the dispute if the parties thereto are

among the following:

xxx

xxx

(2) For the purposes of sub-section (1), a dispute shall

include-

xxx

xxx

(v) any dispute arising in connection with the election
of any officer of the society or representative of the
society or of composite society:

8. Evidently, the statute itself mandates that any dispute arising in connection with the election of any officer of the society or representative of the society or of composite society can only be raised before the concerned Registrar, who is vested with the requisite power and authority to decide the matter under Section 64(2)(v) of the Act of 1960.
9. In the matter of **Ram Chandra Choudhary (Supra)**, the following was held in para 15.6, 15.10 and 15.11 :

***15.6.** It is well settled that although the existence of an alternative remedy does not operate as an absolute bar to the exercise of jurisdiction under Article 226, the High Courts ordinarily refrain from entertaining writ petitions, where an efficacious statutory remedy is available, particularly in matters concerning elections or where the statute provides for specialised forums. This principle assumes greater significance where the statute not only creates such forums but also manifests*

an intention to channel disputes through that mechanism.

15.10. *Similarly, in Umesh Shivappa Ambi v. Angadi Shekara Basappa²⁰, this Court reiterated that particularly in matters relating to election disputes, the High Court should not ordinarily interfere under Article 226 when a specific statutory remedy is available. The relevant paragraphs read as under:*

“4. It is now well settled that once an election is over, the aggrieved candidate will have to pursue his remedy in accordance with the provisions of law and this (sic High) Court will not ordinarily interfere with the elections under Article 226 of the Constitution. (See in this connection para 3 in K.K. Shrivastava v. Bhupendra Kumar Jain.) The Court will not ordinarily interfere where there is an appropriate or equally efficacious remedy available, particularly in relation to election disputes. In the present case, under Section 70(2)(C) of the Karnataka Cooperative Societies Act, 1959 any dispute arising in connection with the election of a President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or member of Committee of the Society has to be referred to the Registrar by raising a dispute before him. The Registrar is required to decide this in accordance with law.”

“5. This was, therefore, not a fit case for intervention under Article 226. Hence, the impugned judgment is set aside and the order of the learned Single Judge is restored...”

15.11. *Applying the aforesaid principles, it is evident that the dispute raised by the writ petitioners falls squarely within the statutory framework governing cooperative societies. The statute provides a specific*

and efficacious mechanism for adjudication of such disputes, which has been bypassed by the writ petitioners without any justification.

10. Furthermore, in the matter of **Meenakshi Natarajan Vs. Election Commission of India and another** reported in **2026 SCC OnLine SC 1133**, the Hon'ble Supreme Court observed as under :

9. In the matter of N.P. Ponnuswami Vs. Returning Officer, Namakkal Constituency, (1952) 1 SCC 94, this Court has held thus:

15. The question now arises whether the law of elections in this country contemplates that there should be two attacks on matters connected with election proceedings, one while they are going on by invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution (the ordinary jurisdiction of the courts having been expressly excluded), and another after they have been completed by means of an election petition. In my opinion, to affirm such a position would be contrary to the scheme of Part XV of the Constitution and the Representation of the People Act, which, as I shall point out later, seems to be that any matter which has the effect of vitiating an election should be brought up only at the appropriate stage in an appropriate manner before a Special Tribunal and should not be brought up at an intermediate stage before any court. It seems to me that under the election law, the only significance which the rejection of a nomination paper has consists in the fact that it can be used as a ground to call the election in question. Article 329(b) was apparently enacted to prescribe the manner in which and the stage at which this ground and other grounds which may be raised under the law to call the

election in question, could be urged. I think it follows by necessary implication from the language of this provision that those grounds cannot be urged in any other manner, at any other stage and before any other court. If the grounds on which an election can be called in question could be raised at an earlier stage and errors, if any, are rectified, there will be no meaning in enacting a provision like Article 329(b) and in setting up a Special Tribunal. Any other meaning ascribed to the words used in the article would lead to anomalies, which the Constitution could not have contemplated, one of them being that conflicting views may be expressed by the High Court at the pre-polling stage and by the Election Tribunal which is to be an independent body, at the stage when the matter is brought up before it.

24. It may be pointed out that Article 329(b) must be read as complementary to clause (a) of that article. Clause (a) bars the jurisdiction of the courts with regard to such law as may be made under Articles 327 and 328 relating to the delimitation of constituencies or the allotment of seats to such constituencies. It was conceded before us that Article 329(b) ousts the jurisdiction of the courts with regard to matters arising between the commencement of the polling and the final selection. The question which has to be asked is what conceivable reason the legislature could have had to leave only matters connected with nominations subject to the jurisdiction of the High Court under Article 226 of the Constitution. If Part XV of the Constitution is a code by itself i.e. it creates rights and provides for their enforcement by a Special Tribunal to the exclusion of all courts including the High Court, there can be no reason for assuming that the Constitution left one small part of the election process to be made the subject-matter of contest before the High Courts and thereby upset the time schedule of the elections. The more reasonable

view seems to be that Article 329 covers all “electoral matters”.

10. The principles laid down in Ponnuswami (supra) has been followed by this Court in all election related disputes and whenever an attempt is made to invoke this Court's or the High Court's writ jurisdiction to interject during the process of conduct of election, on every occasion, the Constitutional Court has rejected such an attempt keeping in view the principle contained in Article 329(b) of the Constitution of India.

11. In view of the aforesaid legal position and the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, it is quite vivid that when the statute provides an appropriate remedy to question the election in accordance with law, then allowing the petitioners to raise an election dispute under Article 226 of the Constitution of India would not be appropriate. The petitioners have to approach before the concerned authority to raise the dispute relating to election.
12. Considering the facts and circumstances of the present case, this Court deems it proper to grant liberty to the petitioners to file an appropriate application under Section 64(2)(v) of the Act of 1960 before the concerned authority in accordance with law. Since the matter has been pending consideration before this Court since 20.09.2022, the concerned authority shall take this period of pendency into account while deciding the matter, whether for the limitation purpose or otherwise. Looking to the nature of the dispute raised by the parties, it is expected that upon filing of

such application, the concerned authority shall decide the same expeditiously.

13. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay