

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.C.C. No. 416 of 2015**

1. Umend Singh Marko S/O Late Chotelal Marko Aged About 47 years R/O Village Tendumuda Tahsil Marwahi, District Bilaspur, (Chhattisgarh) as the President of Aadim Jati Seva Sahkari Samiti Marwahi, District Bilaspur (Chhattisgarh)
2. Chandrika Prasad Tiwari S/O Late Devidin Tiwari, Aged About 68 Years R/O Village & Tahsil Marwahi, District Bilaspur, (Chhattisgarh) As Vice President Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)
3. Dr. Shivpratap Rai S/O Late Khemchand Rai Aged About 50 Years R/O Village Chichgohana Tahsil Marwahi, District Bilaspur (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)
4. Mohanlal Rai S/o Late Gorelal Rai Aged About 64 Years R/O Village Marwahi Tahsil Marwahi, District Bilaspur (Chhattisgarh)
5. Suraj Singh Pottam S/o Late Mansingh Pottam Aged About 45 Years R/O Village Tendumuda Tahsil Marwahi District Bilaspur (Chhattisgarh), As Member Of Aadim Jati Seva Sahkari Samiti Marwahi, District Bilaspur (Chhattisgarh)
6. Vijay Singh Baghel S/o Late Raghunath Singh Aged About 53 Years R/O Village Lohari Tahsil Marwahi District Bilaspur, (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti, Marwahi District Bilaspur (Chhattisgarh)
7. Narayan Prasad Gupta S/o Jaidev Prasad Gupta Aged About 56 Years R/O Village Chanadongari, Tahsil Marwahi, District Bilaspur (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)
8. Jagat Singh Paw S/o Late Hansu Paw Aged About 60 Years R/O Village Chanadongari, Tahsil Marwahi, District Bilaspur (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)
9. Prakash Chand Dubey S/O Late Narayan Prasad Dubey Aged About

42 Years R/O Village And Tahsil Marwahi, District Bilaspur, (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)

10. Smt. Madhuri Sharma w/o Shri Lalman Sharma Aged About 50 Years R/O Village Chichgohana Tahsil Marwahi, District Bilaspur, (Chhattisgarh) As Vice President Of Aadim Jati Seva Sahkari Samiti, Marwahi, District Bilaspur (Chhattisgarh)
11. Smt. Kunti Devi w/o Shri Daulatlal Rai Aged About 35 Years R/O Village Chanadongari, Tahsil Marwahi, District Bilaspur (Chhattisgarh) As Member Of Aadim Jati Seva Sahkari Samiti Marwahi District Bilaspur (Chhattisgarh)

--- Applicants

Versus

1. State Of Chhattisgarh through the Secretary of Department of Cooperative Societies Mantralaya, Naya Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through The Secretary Of The Department Food Civil Supply Corporation And Consumer Protection Mantralaya, Naya Raipur, Chhattisgarh.
3. Collector Bilaspur (Chhattisgarh).
4. Sub Divisional Officer, Revenue, Pendraroad, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, Jila Sahkari Bank, Maryadit Bilaspur (Chhattisgarh)
6. Branch Manager Sahkari Bank Maryadit, Marwahi, District Bilaspur (Chhattisgarh)
7. Shri D.R. Thakur Aged About 52 Years R/O Bilaspur Posted As Deputy Registrar Cooperative Societies Bilaspur Chhattisgarh 1st Floor Old Composite Building Bilaspur (Chhattisgarh)
8. V.K. Ratray Manager Of Aadim Jati Seva Sahkari Samiti Marwahi, District Bilaspur (Chhattisgarh)
9. Officer In Charge of the Police Station Marwahi, District Bilaspur (Chhattisgarh)

10. District Marketing Officer, Bilaspur (Chhattisgarh) The Department Food Civil Supply Corporation and Consumer Protection.
11. C.C. Bajpai Senior Cooperative Inspector Officer In Charge Of Aadim Jati Seva Sahkari Samiti Marwahi, District Bilaspur (Chhattisgarh)

--- Respondents

For State : Shri U.N.S. Deo, Government Advocate.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Order On Board

Per NAVIN SINHA, C.J.

13/05/2015

1. In Writ Appeal No.205 of 2015 on 26.3.2015 the order of the Deputy Registrar, Cooperative Societies, Bilaspur dated 20.11.2014 was set aside with a directions to pass a fresh reasoned and speaking order within a maximum period of six weeks from the date of receipt and/or production of a copy of the order.
2. A letter has been received from the Deputy Registrar which reads as follows:-

“LETTER OF REQUEST”

“To

Hon'ble Division Bench,
Hon'ble High Court of Chhattisgarh,
Bilaspur (C.G.).

Sub:- Request regarding extension of time for passing afresh reasoned and speaking order.

Ref:- Hon'ble Court's order dated 26.03.2015 passed in Writ Appeal No.205 of 2015 (Umed Singh Marko + 10 others Vs. State of Chhattisgarh + 10 others).

My Lord,

With due regard, it is humble submission that Hon'ble Court has passed following order in the Writ Appeal No.205 of 2015

(Umed Singh Marko + 10 others Vs. State of Chhattisgarh + 10 others):-

'We are therefore satisfied not to dismiss the present appeal on the ground of an alternative remedy under Section 77 of the Act. The order dated 29.11.2014 by the Deputy Registrar is set aside and the matter is remanded to him for passing a fresh reasoned and speaking order within a maximum period of six weeks from the date of receipt and/or presentation of a copy of this order, provided the Appellants cooperate. If the Appellants do not cooperate, it shall be open for the Deputy Registrar to proceed ex-parte also but only after recording the reasons of the efforts made by him to persuade the Appellants to participate notwithstanding which they refused to do so.'

(2) Further, humble submission that I have been engaged in the work of "Lok Suraj Abhiyan" by the State of Chhattisgarh for the period from 14.04.2015 to 13.05.2015, therefore, during that period, I may not be able to pass such order due to reasons stated above, therefore, I need more time not exceeding 6 weeks from the date i.e. 13.05.2015.

Therefore, I request the Hon'ble Division Bench to give me more time not exceeding 6 weeks from 13.05.2015 to pass appropriate order as directed by Hon'ble Division Bench.

With regards,

Dated : 29.04.2015

Your's faithfully

(D.R. Thakur)
Deputy Registrar, Co-operative Societies,
Bilaspur (CG)"

3. The communication is in the form of an inter-departmental exchange of correspondence. The Court is not a department of the Government. It is a Constitutional body. The proceedings of this Court are not in a manner the administrative executive functions. The proceedings of the Court are regulated by High Court of Chhattisgarh Rules, 2007 (hereinafter called 'the Rules'). The manner in which an application can be filed before the

Court is provided for in Chapter VIII of the Rules. Despite the fact that the letter from the Deputy Registrar is not in the manner prescribed by the Rules, the Registry has *suo moto* registered the letter as an M.C.C. application under Rule 140 (11). No application can be filed before the Court much less registered unless it is strictly in the manner prescribed by the Rules. The registration of a letter as an MCC application by the Registry amounts to introduction of a new filing procedure contrary to the Rules. It is completely impermissible.

4. If a proper application had been filed by the Deputy Registrar in accordance with the Rules seeking further extension of time for reasons mentioned in the application, undoubtedly it had to be registered as a separate M.C.C. Application.

5. It is therefore directed that henceforth any application filed by a party to a case for modification/clarification/extension of time will have to be only in the manner prescribed under the Rules. It shall then be registered as an MCC application. No letter in the form of an inter-departmental communication can be addressed by a party to case to a Single Judge or Division Bench directly. No such communication in the form of a letter shall be registered as an MCC application.

6. The order dated 19.9.2012 in M.C.C. No.696 of 2012 related to a request received from a subordinate Court. The subordinate Court is not a party to a case. A Court subordinate to the High Court sending a communication to the Registrar General of the Court is an entirely different matter. Such a communication also cannot be registered as an MCC application not being in accordance with Chapter VIII of the Rules. The Registrar General shall have such communications placed in the concerned case file and put up before the Bench with proper office notes.

Orders for extension of time shall then be passed in the same concerned file. A Subordinate Court cannot be put at par with the executive, and cannot be required to file an application for extension of time as a party to the dispute. Since the substantive order on merits is not to be interfered with and only time for compliance is to be extended the Court shall be acting under its inherent jurisdiction. The Court having become *functus officio* on merits shall be no bar to the same.

7. However, for the present, as a one time exception, we extend the time for six weeks as sought by the Deputy Registrar. A copy of the order be communicated to the Deputy Registrar and also the General Administration Department of the State Government.

8. The M.C.C. stands disposed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE