

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1378 of 2015

Primary Marketing Co-Operative Society Ltd. Lundra, District Surguja (Chhattisgarh)
Through Its President, Triloki Singh, S/o Late Parshu Ram Singh, Aged About 45
Years, R/o Village-Batwahi, Post Raghunathpur, Police Station And Tahsil Lundra,
District Sarguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Co-Operative, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Registrar, Co-Operative Societies, Vivekanand Nagar, Pension Bada Chowk, Raipur (Chhattisgarh)
3. Joint Registrar, Co-Operative Societies, Surguja, Sitaram Bhawan, Maharani Laxmi Bai Ward No. 6, Jawahar Nagar, Ambedkar Nagar, Ambikapur District Surguja (Chhattisgarh)
4. Deputy Registrar, Co-Operative Societies, Surguja, Sitaram Bhawan, Maharani Laxmi Bai Ward No. 6, Jawahar Nagar, Ambedkar Nagar, Ambikapur District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	-	Shri R.S. Baghel, Advocate
For Respondent/State	-	Shri S.P. Kale, Dy. A.G.

Order On Board

07/08/2015

Heard.

1. The petitioner has filed this petition aggrieved by order dated 08.06.2015 passed by Deputy Registrar in the matter of winding up and liquidation of the Society.
2. Faced with objection with regard to the maintainability of the petition on the ground of existence of alternative statutory remedy of appeal before Joint Registrar, learned counsel for the petitioner submits that earlier, a direction was issued by this Court whereafter, Joint Registrar vide his memo dated 03.03.2015 required Deputy Registrar to send necessary information for being forwarded to the Registrar Corporative Society. Therefore, he has already prejudged the issue and filing appeal before him would be illusionary. He further

submits that as the proceedings are being held pursuant to direction of this Court, the authorities may not examine the matter objectively. It is also submitted that various conditions of which violation has been alleged are not binding on the society. As these conditions have been imposed by the Registrar, Joint Registrar may not have jurisdiction to look into this aspect. For that reason also, it is contended, the remedy of appeal would be illusory.

3. It is not a case where the challenge to the order is on the ground of complete lack of jurisdiction on the part of Deputy Registrar. Moreover, it is not a case where the order is under challenge on the ground of patent violation of principle of natural justice. There is no material to attribute any malafide to Deputy Registrar.

4. It is well settled that ordinarily, when there exists an alternative remedy under the law, the writ Court would not entertain and require the party to first exhaust alternative remedy.

5. The letter of Joint Registrar dated 03.03.2015 merely required the Deputy Registrar to collect information for being sent to the Registrar. Nothing contained in this letter indicates that at that stage, Joint Registrar prejudged the issue. Other submissions of learned counsel for the petitioner do not carve out extraordinary reason for this Court to entertain this petition without insisting on exhaustion of statutory remedy of appeal before Joint Registrar. He being statutory Appellate Authority has all the power to examine each and every aspect of the matter and every ground raised by the petitioner while examining the legality and validity of order passed by the Deputy Registrar.

6. In the conspectus of the aforesaid consideration, facts and circumstances of the case, the petitioner's apprehension that Joint Registrar will mechanically dismiss his appeal, is not well founded and bereft of any material in that regard.

7. In view of the above, I am not inclined to entertain this petition to examine the legality and validity of order passed by the Deputy Registrar. The petition has to be dismissed and is accordingly dismissed with liberty to the petitioner to avail remedy of appeal.

8. It is made clear that the Joint Registrar shall examine all the grounds without being influenced by the order passed by this Court or by any other extraneous consideration.

Sd/-

Manindra Mohan Shrivastava

J U D G E