

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 190 of 2018**

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mantralaya Mahanadi Bhawan, Naya Raipur District Raipur, Chhattisgarh.
2. The Registrar, Cooperative Societies, Chhattisgarh, Raipur District Raipur Chhattisgarh.
3. The Joint Registrar, Cooperative Societies, Bilaspur Division, Bilaspur, Chhattisgarh.
4. The Deputy Registrar, Cooperative Societies, Janjgir District Janjgir Champa Chhattisgarh

---- Appellants**Versus**

1. Aadi Shakti Kosa Bunker Sahakari Samiti Maryadit Choriya, Block Bamhanidih District Janjgir Champa, Chhattisgarh A Duly Constituted Cooperative Society Under The Provisions Of Chhattisgarh Cooperative Societies Act, 1960 Through Its President, Shri Santosh Kumar Dewangan, Son Of Shri Danni Ram Dewangan, Aged About 41 Years, Resident Of Village Choriya, Block Bamhanidih, District Janjgir Champa, Chhattisgarh.
2. Shri Lomesh Dewangan @ Raj Kumar Dewangan, Akhrabhaata, Sakti, District Dhamtari, Chhattisgarh.
3. Shri M.L. Dewangan, Cooperative Development Officer, Baloda District Janjgir Champa, Chhattisgarh.
4. Shri Sajan Agrawal, Senior Cooperative Inspector, Office Of Deputy Registrar, Cooperative Societies, Janjgir District Janjgir Champa Chhattisgarh.

---- Respondents

For Appellants/State : Shri Y.S. Thakur, Additional Advocate
General
For Respondent No.1 : Shri Amrito Das and Shri Abhuday Singh,
Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

03/04/2018

1. The authority under Chhattisgarh Co-operative Societies Act, 1960 passed an order for winding up the first respondent, a Co-operative Society. That order has been stayed by the learned Single Judge at the stage of admission. This is under challenge at the instance of the State and the statutory officers under the aforesaid Act.
2. There is a delay of 211 days in instituting this appeal against the interlocutory order. In our view it is inordinate delay and it is not explained to the satisfaction of this Court. The only statement is that the department was considering the interlocutory order passed by the learned single Judge and time was taken to ultimately decide that it should be appealed against. The time frame for instituting an appeal is definite. Where it is an appeal against interlocutory order, that too issued in writ jurisdiction, a writ appeal would not normally be entertained by the intra court appellate jurisdiction unless the interlocutory order handed down by the Single Judge works injustice and there is no other way but to intervene. But, the delay of 211 days itself in this case demonstrates that the matter had been left as it after the Single Judge had issued the interlocutory order. Being dissatisfied with the explanation extended for the delay in instituting the writ appeal the application for condonation of delay is dismissed.

3. It would be open to the official respondents to place their objections to the writ petition before the learned Single Judge without agitating the matter in appeal.
4. Without expressing any further on the merits of the rival contentions, this writ appeal is dismissed as a consequence of dismissal of the delay petition.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge