

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3799 of 2019**

Rohit Kumar Kewat S/o Late Bundram Kewat, Aged About 50 Years
 Vice President Of Bolbam Machhua Sahkari Samiti Maryadit Kurda R.
 No. 272, R/o Village Kurda, Tahsil Champa, District Janjgir Champa
 Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Co-Operative Societies, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Secretary, Department Of Fisheries, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Secretary/ Commissioner, Chhattisgarh State Co- Operative Election Commission, Raipur, District Raipur, Chhattisgarh
4. Appellate Authority- Cum- Deputy Registrar Co- Operative Societies, Janjgir, District Janjgir Champa, Chhattisgarh
5. District Fisheries Officer, Janjgir, District Janjgir Champa, Chhattisgarh
6. Returning Officer, Bolbam Machhua Sahkari Samiti Maryadit Kurda R. No. 272, Kurda, District Janjgir Champa, Chhattisgarh
7. Bolbam Machhua Sahkari Samiti Maryadit Kurda R. No. 272, Through Its President, Kurda, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Govind Dewangan, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

23.10.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 04.10.2019 passed by the Appellate Authority/Dy. Registrar, Co-operative Societies, Janjgir.
2. State counsel, at the outset, submits that the order is an appealable order and the second appeal lies to the Joint Registrar under Section 78 (1) (a) of the Chhattisgarh Co-operative Societies Act, 1960.
3. The contention of the petitioner is that the impugned order Annexure P-1 is bad as regards the order not being a speaking order and that no reason whatsoever has been given by the Appellate Authority while deciding the appeal, therefore, instead of relegating the petitioner to approach the second appellate Court, the matter may be remanded back to the appellate authority to reconsider the appeal on merits.
4. Considering the facts and circumstances of the case, particularly taking note of the provisions of the Chhattisgarh Co-operative Societies Act which specifically envisages a second appeal against an order passed by the first appellate authority, this Court is of the opinion that since there is an alternative statutory remedy available to the petitioner, it could not be advisable for this Court to exercise its extraordinary writ jurisdiction at this juncture. The question of the order being an unreasoned order can also be raised in the second appeal by the petitioner.
5. Given the said facts, the writ petition stands disposed of directing the petitioner to approach the second appellate authority within a period of 15 days from the date of receipt of copy of this order along with an

application for interim relief. Till the appeal is taken up by the second appellate authority and a decision is taken on the application for grant of interim relief, the respondents are restrained from proceeding further with the election process so far as the election of Bolbam Machhua Sahkari Samiti Maryadit Kurda bearing registration No. 272 is concerned.

6. With the aforesaid observation and direction the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**