

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1317 of 2021**

Kalyan Singh Sen, S/o. Shri Manharan Lal Sen, Aged About 40 Years,
R/o. Village Khilora, Police Station Mujgahan, District Raipur,
Chhattisgarh

---- **Petitioner**

Versus

1. Registrar, Co-Operative Society Chhattisgarh, Office Of HOD Indrawati Bhawan Naya Raipur, District Raipur, Chhattisgarh
2. Vrihattakar (Circular) Krishi Sakh Sahkari Samiti Maryadit Abhanpur Reg. No. 501, Branch Abhanpur, District Raipur, Chhattisgarh, Through-President.

---- **Respondents**

For Petitioner	:	Mr. Saurabh Dangi, Advocate
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For State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

08.03.2021

Heard

1. Learned counsel for the petitioner would submit that a *suo moto* proceeding challenging the regularization of the petitioner was started by the Registrar. In such proceeding, the petitioner moved an application under Order 1 Rule 10 of C.P.C. to array the Primary Cooperative Society wherein the petitioner was regularized to make it a party as respondent No.4. It is stated that the said application was not accepted by the Registrar for adjudication as there was no physical acceptance. He would submit that as per the return of the State this factual aspect has been denied.
2. Learned counsel for the State respondent would submit that on the application alleged to have tendered on 01.12.2020 on that date the Registrar was not in the office. Therefore, it was adjourned to 30.12.2020 and no hearing took place on 01.12.2020; therefore, it would be incorrect to say the petitioner tendered the application.

3. It is stated at the bar that the case is fixed for tomorrow before the Registrar. On one aspect the petitioner submits that he tendered the application under Order 1 Rule 10 of C.P.C. to make a new party, which was physically denied to be accepted; whereas this aspect has been denied by the State in their return. If certain application are tendered then in any case there cannot be denial to accept the same whatever the effect may be that of judicial pronouncement.
4. In view of the same, to remove that ambiguity, since the case is said to be fixed for tomorrow, the petitioner may approach to the Registrar and the Registrar is directed to accept the application and adjudicate the same on its own merit.
5. With such observation, the petition stands disposed off.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge

Aks