

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1330 of 2021**

Dwarika Prasad Sahu, S/o. Late Kaliram Sahu, Aged About 46 Years,
Address Village And Post Bemcha, District Mahasamund Chhattisgarh

---- **Petitioner**

Versus

1. Registrar, Co-Operative Society Chhattisgarh, Office Of HOD Indrawati Bhawan Naya Raipur, District Raipur, Chhattisgarh
2. Vrit. Sahkari Samiti Maryadit, Pitiyajhar, Reg. No. 497, Branch Mahasamund, District Mahasamund, Chhattisgarh

---- **Respondents**

For Petitioner : Mr. Saurabh Dangi, Advocate

For State : Mr. Gagan Tiwari, Dy. Govt. Advocate

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