

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3401 of 2021

- Smt. Triveni Sahu W/o Jagatram Sahu Aged About 57 Years Resident Of Village Kachhey , Post Aridongri, Tehsil Bhanupratappur , District North Baster Kanker Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Of Department Of Cooperative , Mahanadi Bhawan, Mantralaya , Atal Nagar , Naya Raipur , District Raipur Chhattisgarh.
2. Registrar Cooperative Societies Block 3, 2nd And 3rd Floor Indrawati Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh
3. Collector District North Baster Kanker , Chhattisgarh.
4. Parivahan Veyasaik Sangh Kechhey Through President Village Kechhey, Tehsil Bhanupratapur , District North Baster Kanker , Chhattisgarh.

---- Respondents

For Petitioner : Shri T.K. Jha, Advocate

For Respondents/ State : Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2021

Heard.

1. The instant petition has been filed for the following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to call the entire records to this case.

10.2 That, this Hon'ble court may kindly be pleased to allow the petition and direct Registrar Cooperative Societies to consider and take decision on the complaint dated 07.07.2021 (Annexure P-3) submitted by the petitioner and also take decision on the complaint of Collector (Annexure P-4) against the respondent No. 4.

10.3 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition.

2. Learned counsel for the petitioner submits that truck of the petitioner was disengaged by Respondent No. 4 and complaint having been made to the Collector and other Officers, the order was passed to engage the vehicle of the petitioner by Respondent No. 4. He submits that even the Collector has written a letter to the Registrar Cooperative Societies but the same has not been taken cognizance thereof. Therefore, the Registrar Cooperative Societies may be directed to take action against the Respondent No. 4.
3. Learned State counsel, on instructions, would submit that Respondent No. 4 is not registered under the Cooperative Societies Act, 1960 and it is registered under the *Society Registrkaran Adhiniyam, 1973*.
4. The query was made to the petitioner as to under which law this Court could give the direction to follow the instruction and order issued by the Collector or other revenue authorities. No satisfactory answer is given. If statute permits certain order or direction can be passed then only on failure directions can be issued by this Court and the High Court cannot legislate. Simply certain application having been filed before the State authority and if any directions are passed which are not covered under the authority of statutory mandate, no writ can be issued for the same. If Respondent No. 4 is registered under the Adhiniyam 1973 and the petitioner has certain grievance against the society, the *Society Registrkaran Adhiniyam, 1973* is a complete code in itself under which the petitioner may seek redressal. A roving enquiry can not be made by this Court over looking the provisions of Adhiniyam, 1973 and even if any letter is addressed to the Registrar Cooperative Socialites, since it is stated that Respondent No. 4 is not registered under Cooperative Societies a mandamus can not be issued under uncertainty.
5. In view of this, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge