

(1979) 08 MP CK 0009

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 385 of 1979

Adarsha Vidya Mandir

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 02-08-1979

Acts Referred:

Constitution of India, 1950 — Article 226
Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 — Section 3(f), 33, 33(1), 33(8)

Citation : (1983) JLJ 161 : (1982) MPLJ 762

Hon'ble Judges : G.P. Singh, C.J.; U.N. Bhachawat, J

Bench : Division Bench

Advocate : L. S. Sinha, for the Appellant; L. S. Baghel, D.A.G., for the Respondent

Final Decision : Allowed

Judgement

G. P. Singh, C. J.

The petitioner is a society registered under the Madhya Pradesh Society Registrikaran Adhiniyam, 1973. By this petition under Article 226 of the Constitution, the petitioner challenges the order Annexure B and the notice Annexure C, passed and issued respectively under sections 33(8) and 33(1) of the Adhiniyam. Notice for admission was issued to the respondent. A return has been filed on behalf of the respondent- With the consent of the learned counsel for the petitioner and the learned Deputy Advocate-General, the petition is heard on merits.

Although a number of grounds have been taken in the petition, it is not necessary to refer to them because, in our opinion, the petition must be allowed on the short ground that the petitioner is not a "State aided society". The expression "State-aided society" as defined in section 3(f) of the Adhiniyam means "a society which receives or has received aid or grant or loan from Central Government or State Government or any other statutory body." The return filed

by the respondent goes to show that on 2nd December 1975, Rs. 500 were paid to the petitioner society for Mahila Rally; on 7th January 1976, a sum of Rs. 1000 was paid for purchase of Silai machine; and on 27th February 1976, a sum of Rs. 500 was paid for Mahila Rally. After that, admittedly, no aid within the meaning of section 3(f) was paid to the society. However, it is stated in paragraph 9 of the return that a grant of Rs. 1100 and another grant of Rs. 3070 were sanctioned in favour of the petitioner society during the year 1978-79, but were not paid for want of required information. These facts, in our opinion, are not sufficient to bring the society within the definition of "State-aided society". This definition was construed by a Division Bench of this Court in *Adarsha Shiksha Samiti & anor. v. The State of M. P. & Ors.* M. P. No. 200 of 1979, decided on 16-4-1979. In that case it was pointed out that the present perfect tense in the words "has received" contemplates a completed event connected in some way with the present time. It was also pointed out that the aid given in 1977 in that case was relevant for the academic year 1977 and that it had no relevance to the academic year 1978-79 when the action was taken in that case against the Society. Applying the same principle, the grant received by the petitioner society in the instant case in 1975 and 1976 could not authorise taking of any action in May 1979 by the respondent u/s 33. We are also of opinion that mere sanctioning the grant by the State without paying it to the society cannot bring the case of the petitioner society within the definition of "State-aided society". It has also not been stated in the return that the petitioner ever applied for the grant said to be sanctioned in its favour. In these circumstances, it has to be held that the action taken against the petitioner society was unauthorised.

The petition is allowed. The impugned order and notice (Annexures "B" and "C") are quashed. There will be no order as to costs.