
(2009) 04 AHC CK 0430
In the Allahabad High Court

Ganeshy Prasad

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 29-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0430

Hon'ble Judges : Arun Tandon, J

Final Decision : Dismissed

Judgement

Arun Tandon, J.

Mata Mahakali Mandir Virajman Sewa Samiti Dhanautal Konch, District Jalaun is a Society duly registered under the Societies Registration Act.

Petitioner before this Court claims to be the elected Manager of the said Society and on that strength it is contended that the petitioner has obtained renewal of the registration of the Society. The petitioner has set up his election dated 18.04.2008. A parallel set of elections of office bearers in respect of the same Society had been submitted by respondent no. 4 and 5 who claim that their elections took place on 07.04.2008. On receipt of the aforesaid rival set of office bearers the Assistant Registrar before registering the list under Section 4A found it proper to refer the dispute to the Prescribed Authority under Section 25(1) of the Societies Registration Act vide order dated 30.12.2008. It is against this order that the present writ petition has been filed.

Counsel for the petitioner submits that respondents no. 4 and 5 are not even members of the Society and they have nothing to do with the same, therefore, in the facts of the case the Registrar should have exercised power under Section 12(d) of the Societies Registration Act.

The contention so raised does not appeal to the Court. The Registrar has found that there exist a bona fide dispute qua office bearers of a registered Society and therefore, referred the matter to the Prescribed Authority under Section 25 for adjudication.

(1). The order of the of the Assistant Registrar in the facts of this case does not warrant any interference under Article 226 of the Constitution of India. The writ petition is dismissed.

However this order shall not prejudice the right of the petitioner to raise all such factual and legal pleas qua the election set up by the respondents in the proceedings under Section 25 (1) (g) of the Societies Registration Act before the Prescribed Authority.