
(2006) 05 GAU CK 0070
In the Gauhati High Court

L.Mohindro Singh and Ors.

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 18-05-2006

Acts Referred:

Citation : (2006) 05 GAU CK 0070

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : Th.Ibohal Singh, M.Hemchanda Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. M. Hemchandra Singh, learned counsel appearing on behalf of the petitioners as well as Mr.Th. Ibohal Singh, learned GA for all the respondents.
2. Neglecting all the details but the precise facts which give rise to the filing of the present writ petition are that the petitioners are the Secretary, Asstt. Secretary and Members of the purpose Society called ?Khangabok to Thoubal Jeep &Taxi Association?. It is said that for the Secretary of the purpose society, i.e. Khangabok to Thoubal Jeep &Taxi Association, approached the concerned Registrar of Societies, Thoubal District, Manipur. It is also stated that the purpose society has fulfill all the requirements for registration under the Manipur Societies Registration Act, 1989. It is said, on the investigation some interested persons wrote a letter dated 20.10.2005 (AnnexureA/4 to the present writ petition) informing to the Secretary of the purpose society, i.e. Khangabok to Thoubal Jeep Taxi Service Assn., that as per Section 4 of the Manipur Societies Registration Act, 1989 and 7 (seven) or more individuals associated may be registered under that Act and that because of the lack of Jeep owners as members as well as the documents and papers which are necessary for registration of the proposed society, i.e. Khangabok to Thoubal Jeep &Taxi Association, for registration of the society cannot be entertained and the Registrar of Societies, Thoubal again writ a letter dated 6.4.2006 to the Secretary of the proposed society alleging that the application for registration of

the proposed society has been disposed of as directed by the Hon"ble High Court in its judgment and order dated 6.12.2005 passed in W.P(C) No.1288 of 2005. Being aggrieved by the said letter of the Registrar of Societies, Thoubal, it is said that the proposed society preferred appeals dated 21.4.2006 under subsection (9) of Section 9 of the Manipur Societies Registration Act, 1989. But for the reasons best known to the appellate authority, the appeal is still pending. Such being the situation, the petitioners approached the court by filing the present writ petition for a direction to the appellate authority to dispose of the said appeal filed by the proposed society dated 21.4.2006. It is fairly well settled that it is the bounden duty of the appellate authority to dispose of the statutory appeal. In the instant case, without giving any reasons, the statutory has not yet disposed of the said appeal dated 21.4.2006 filed by the present proposed society, a copy of the said appeal dated 21.4.2006 is available at AnnexureA/14 to the present writ petition.

3. Keeping in view of the law laid down by the Apex Court and also the statutory duty of the appellate authority, this writ petition is disposed of by directing the Commissioner/Secretary (Cooperation), Govt.of Manipur to consider and dispose of the said appeal dated 21.4.2006 within 4(four) weeks from the date of receipt of the certified copy of this judgment and order by passing a speaking order. It is made clear that opportunity of hearing should also be available to the members of the proposed society while considering and disposing of the said appeal dated 21.4.2006.

4. Petitioners are to approached the concerned authority, i.e. the Commissioner/Secretary(Cooperation), Govt. of Manipur with the certified copy of this judgment and order along with the copy of the said appeal dated 21.4.2006 filed by the proposed society for necessary compliance of the direction of this court.

5. With the above observations and directions, this writ petition is allowed. No costs.