

(2016) 05 AHC CK 0123

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 23806 of 2016

Satish Kumar

APPELLANT

Vs

Commissioner, Saharanpur and 12 others

RESPONDENT

Date of Decision : 24-05-2016

Acts Referred:

Societies Registration Act, 1860 — Section 12D

Citation : (2016) 7 ADJ 367

Hon'ble Judges : Pankaj Mithal, J.

Bench : Single Bench

Advocate : Sanjeev Kumar Tyagi, Advocate, for the Appellant; C.S.C. and Rajesh Yadav, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

Pankaj Mithal, J.— Heard Sri S.K. Tyagi, learned counsel for the petitioner. Sri Rajesh Yadav learned counsel appears for respondent No. 3.

2. The petitioner has preferred this writ petition against the order dated 02.03.2016 passed by the Assistant Registrar, Firms, Societies and Chits, Saharanpur.

3. The impugned order turns down the objections or the application of the petitioner for revoking the registration of the Society Shri Shiv Mandir Society, village Lakhnauti, Saharanpur.

4. The submission of Sri Tyagi, learned counsel for the petitioner is that the Shiv Mandir is the temple for the benefit of the entire village and that the aforesaid society has no right title or interest to manage and control the same. Therefore, the respondents, who are all family members by constituting a Society so as to manage it wants to grab its property.

5. The right to form an association or society is a fundamental right and the registration of any association or society has to be according to the provisions of

the Societies Registration Act, 1860 (hereinafter referred to as the Act). The registration of the Society therefore, can only be cancelled in accordance with the provision of Section 12-D of the Act.

6. The aforesaid provision provide for the cancellation of the registration of a Society only on the three grounds namely:-

(i) where the registration of the society or its name is contrary to the provisions of the Act or any law for the time being in force;

(ii) that its activities or proposed activities are subversive of the objects of the society or opposed to public policy; and

(iii) that the registration certificate or the certificate of renewal of registration has been obtained by misrepresentation or fraud.

7. None of these three grounds exist in the application of the petitioner seeking cancellation of the registration of the society.

8. In view of above, the Assistant Registrar, Firms, Societies and Chits, Saharanpur has not erred in refusing to cancel the registration of the society.

9. The petitioner is unnecessarily linking the dispute regarding the ownership and title of the property of the Shiv Mandir with that of the formation and registration of the Society.

10. In view of above, the writ petition lacks merit and is dismissed.