
(2007) 10 AHC CK 0027
In the Allahabad High Court
Case No : C.M.W.P. No. 5420 of 2000

Savita Devi

APPELLANT

Vs

Assistant Registrar Firms, Societies and Chits and Another

RESPONDENT

Date of Decision : 26-10-2007

Acts Referred:

Societies Registration Act, 1860 — Section 3, 3A, 3B

Citation : (2008) 6 AWC 6117

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : R.N. Sharma, B.K. Srivastava and Atul Sharma, for the Appellant;
S.S. Chauhan and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard learned Counsel for the parties and perused the record.

2. The contention of the counsel for the Petitioner is that the last election of the Respondents society was held in 1991. Later on an application was moved before the Sub-Registrar on 14.10.98 for renewal of the aforesaid society.

3. The Petitioner society claiming itself to be a society in effective control of the Institution Bhadawar Vidya Mandir Degree College, Bah, District Agra, opposed the renewal of the society of the Respondents.

4. By the impugned order dated 1.1.2000 Respondent No. 1, the Assistant Registrar Firms, Societies and Chits, Agra ordered for renewal of the Respondents society.

5. Aggrieved the Petitioner has come up in this writ petition on the ground that u/s 3A of the Societies Registration Act the registration of the Respondents society was enforced for a period of five years ; that the order of renewal was passed in the year 19.11.90 ; that the society of the Respondents was in fact renewed for the period 19.11.90 to 18.11.95 ; that thereafter Anr. application for renewal of

the society was moved by the Respondents on 14.10.98 which was again renewed for a period of five years ; and that the term of renewal of the society has also now expired.

6. The contention of the counsel for the Petitioner is that the Respondents society is not entitled to get its term renewed or registered u/s 3A of the Societies Registration Act as the earlier renewal has been done by the Deputy Registrar and not by the Registrar as such the renewal of the society of the Respondents is bad and the society has become dead.

7. The standing counsel for the Respondents submits that the writ petition has become infructuous by efflux of time as more than 5 years have elapsed since last renewal of the society which has not been challenged and as such the order impugned has become redundant by efflux of time. After hearing the counsel for the parties and on perusal of record I am of the opinion that in the facts and circumstances of the case the Petitioner has an effective and alternative statutory remedy u/s 3B of the Act before the State Government which provides that if any dispute arises regarding entitlement for registration in accordance with Section 3 or regarding certificate of registration renewed in accordance with Section 3A, the matter shall be referred to the State Government whose decision thereon shall be final.

8. The matter regarding which of the two societies are in effective control and validity of their registration etc., requires adjudication of factual dispute on basis of documentary and oral evidence which is not feasible in writ jurisdiction. This can be decided by the State Government u/s 3B of the Societies Registration Act.

9. For the reasons stated above without going into the merits of the case the writ petition is accordingly dismissed. No order as to costs.