
(2001) 04 AHC CK 0054

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 3753 of 1999

Tilak Hindi Pustkalaya,Hathras

APPELLANT

Vs

Assistant Registrar Firms,Societies and Chits Agra & Anr.

RESPONDENT

Date of Decision : 16-04-2001

Acts Referred:

Constitution of India, 1950 — Article 226
Societies Registration Act, 1860 — Section 25

Citation : (2001) 04 AHC CK 0054

Hon'ble Judges : S.N.Agarwal, J

Final Decision : Allowed

Judgement

Sudhir Narain, J.—This writ petition is directed against the impugned order dated 25111999 (Annexure 7 to the writ petition), whereby Respondent No. 1 has approved the list of the office bearers submitted by Respondent No. 2 and the election of Respondent No. 2 as the President of the Society.

2. Briefly stated the facts are that the petitioner is a registered society. The version of the petitioner is that the election of the office bearers of the Society is held every year. In the last election of the Society for the year 199899 Shri Subhash Parashar was elected as the President and Shri Yad Ram Sharma was elected as the Secretary of the Society. In the earlier election also for the year 199798 the same persons were elected as the office bearers of the Society. There was, however, no dispute in the aforesaid two elections of the Society. The elections of the office bearers of the Society for the year 19992000 was held on 2241999 in which also the same office bearers have been elected. The papers with regard to the election were submitted to Respondent No. 1 for approval of the names of the persons who were alleged to be elected as the office bearers of the Society. Respondent No. 2 submitted another list also of the office bearers to Respondent No. 1 on 3031999. Respondent No. 1 approved the election of Respondent No. 2 as the President of the Society vide its order dated 25111999. This order has been challenged in the present writ petition.

3. The contention of the petitioner is that there was a dispute as to who were elected as the office bearers of the Society for the year 19992000. This question should be decided by the Prescribed Authority on a reference to be made to it by the Registrar under Section 25 of the Societies Registration Act. Admittedly, there is a dispute with regard to the election of the office bearers of the Society for the year 19992000. Respondent No. 1 in these circumstances should have referred the matter to the Prescribed Authority under Section 25 of the Societies Registration Act.

4. In view of the above, the writ petition is allowed and the impugned order dated 25111999 is hereby quashed.

5. Respondent No. 1 shall now refer the matter to the Prescribed Authority within one month from the date of production of a certified copy of this order. On such a reference being made by Respondent No. 1, the Prescribed Authority shall decide the dispute preferably within three months from the date of making of the reference.