
(2010) 09 AHC CK 0024
In the Allahabad High Court
Case No : C.M.W.P. No. 55166 of 2010

Yuva Jagriti Parishad and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Societies Registration Act, 1860 — Section 25, 4

Citation : (2010) 6 AWC 6488 : (2011) 1 UPLBEC 746

Hon'ble Judges : Arun Tandon, J

Bench : Single Bench

Advocate : Sanjay Agrawal and B.N. Agrawal, for the Appellant; C.B. Dhar Dubey and H.K. Gupta, C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

Arun Tandon, J.—Petitioner No. 2 before this Court claims to be the President of Yuva Jagriti Parishad Mohalla Tularam Station Road. Tehsil and District-Pilibhit, which is a society duly registered under the Societies Registration Act. The Assistant Registrar, Firms, Societies and Chits under the impugned order has held that elections for constituting the office bearers of the society have not taken place for last so many years and therefore it has become time barred. He has further issued an order that fresh elections shall now be held u/s 25(2) of the Societies Registration Act by the Assistant Registrar. For the purpose parties have been given an opportunity to submit the list of valid members of the general body along-with their complete details in the office of the Assistant Registrar. This order of the Assistant Registrar is being challenged by means of the present writ petition.

2. On behalf of the Petitioner it is contended that since renewal of the registration of the society was granted, on an application made by the Petitioner, on 5th June, 2009, the Assistant Registrar could not have held that the office bearers have become time barred, inasmuch as renewal of the society is for a period up to 2012.

3. This Court may record that on a pointed query being made by this Court as to when the list of elected officer bearers was last registered u/s 4 of the Societies Registration Act, counsel for the Petitioner could not answer the query.

4. I have heard learned Counsel for the Petitioner and have examined the records. It appears that there is a confusion in the mind of the Petitioner about the renewal of the registration of the society and the term of the elected office bearers of the society, which list is to be registered u/s 4 of the Act. Renewal of the registration of the society is always granted in favor of the society irrespective of the fact as to who is the office bearers and such renewal of the registration of the society has absolutely no bearing on the issue as to who are the office bearers of the said registered society. u/s 4 of the Act the list of office bearers is required to be submitted annually and in case any elections taken place subsequent to the registration of the last list, then the fresh list is required to be signed by the outgoing office bearers and if it is not so done, then a public notice is required to be published for inviting objections, and, if objections are filed, the same are required to be decided by the Assistant Registrar before registering the list. In the facts of the case, this Court finds that the counsel for the Petitioner could not demonstrate as to when last list of the office bearers was registered. This Court finds that the order of the Assistant Registrar dated 15.10.2009, which records that the term of the elected office bearers of the society has expired long back, is strictly in accordance with law. In absence of any list of office bearers having been submitted for registration u/s 4, any elections pleaded by the Petitioner are of no consequence.

5. Counsel for the Petitioner has placed reliance upon judgment of this Court in the case of Obaidur Rahman v. Assistant Registrar. Firms, Societies and Chits, Gorakhpur and Ors. 2004 (4) AWC 4399. The judgment relied upon by the counsel for the Petitioner has absolutely no bearing in the facts of the present case, inasmuch as in the aforesaid judgment it has been held that issue with regard to the legality or otherwise of the elections can be examined u/s 25(1) of the Societies Registration Act only. In the facts of this case the Court has found that no list of the office bearers was submitted for registration nor could be demonstrated to be registered subsequent to 1996.

6. In the totality of the circumstances as on record, this Court finds that no case is made out for interference with the order of the Assistant Registrar dated 25.10.2009.

7. Writ petition is dismissed.