

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 397 of 2022

Imphal East District Wushu Association & Anr.

...Petitioners

- Versus -

State of Manipur & 5 Ors.

...Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

11-09-2023

[1] Heard Mr. M. Rakesh, learned counsel appearing for the petitioners and Mr. A. Vashum, learned Government Advocate appearing for the official respondent Nos. 1, 2 & 3.

[2] The present writ petition has been filed with a prayer for directing respondent Nos. 1, 2 & 3 to revoke the registration of respondent No. 4, Imphal East District Wushu Association having registration No. 159/SR(IE)/2019 on the ground that the name of the said association is same or similar to the association of petitioner No. 1. According to the learned counsel appearing for the petitioners, the petitioner No. 1, Imphal East District Wushu Association was registered in 2016 having registration No. 561/SR(IE)/2016 under the Manipur Societies Registration Act, 1989. In this connection, the petitioners enclosed the registration certificate dated 17-05-2016 issued by the Deputy Registrar of Societies, Imphal East, Manipur. The learned counsel also submitted that under Section 10 of the Manipur Societies Registration Act, 1989, it is provided that no society shall be registered under a name which is

identical with or too nearly resembles, the name of any other society or any body corporate which has been previously registered or incorporated under this Act or any other law for the time being in force, as the case may be, or is deemed to have been registered under this Act. The learned counsel further submitted that despite the said clear provision of law as provided under Section 10 of the Manipur Societies Registration Act, 1989, the respondent No. 3, Deputy Registrar of Societies, Imphal East District allowed the registration of respondent No. 4 in the same name and style of petitioner No. 1's association and issued a certificate dated 12-03-2019. According to the learned counsel appearing for the petitioners, the said registration of respondent No. 4 in the same name and style of petitioner No. 1 is illegal and ultra virus of provision of Section 10 of the Manipur Societies Registration Act, 1989. The learned counsel, accordingly, prays for quashing or setting aside the said registration issued by the Deputy Registrar of Societies, Imphal East, Manipur dated 12-03-2019 issued in favour of respondent No. 4.

[3] Mr. A. Vashum, learned Government Advocate appearing for the respondents submitted that under Section 11 of the Manipur Societies Registration Act, 1989, the State Government is empowered to issue order directing any society to change its name and alter its memorandum within three months from the date of the order or such longer period as the State Government may think fit to allow if in the opinion of the State Government the name and style of the said society is identical with or too nearly resembles the name of any other society or body corporate which have been previously registered or incorporated under this Act. The learned Government Advocate, accordingly, submitted that the present writ petition can be disposed of by

directing the petitioners to approach the competent authorities of the State Government for passing necessary orders to change the name of the society of respondent No. 4 in terms of the provision of Section 11 by submitting a fresh representation in that regard.

[4] Mr. M. Rakesh, learned counsel appearing for the petitioners fairly submitted that the present writ petition may be disposed of by giving liberty to the petitioners to approach the competent authorities of the State Government by submitting a fresh representation for passing necessary orders in terms of the provision of Section 11 of the Manipur Societies Registration Act, 1989, directing respondent No. 4 to change the name of its society and also by directing the authorities of the State Government to dispose of such representation within a stipulated period.

[5] In view of the submissions made by the learned counsel appearing for the parties, the present writ petition is hereby disposed of with the following directions:—

- (i) The petitioners are at liberty to approach the concerned authorities of the Government by filing a fresh representation for issuing necessary orders for changing the name and style of respondent No. 4's association as provided under Section 11 of the Manipur Societies Registration Act, 1989. Such fresh representation should be submitted within a period of two weeks from today.
- (ii) In the event of filing such representation by the petitioners within the stipulated period, the concerned authorities of the State Government should consider the said representation on

its own merit and in terms of the provision under Section 11 of the Manipur Societies Registration Act, 1989 and the relevant provision of the Manipur Societies Registration Rules, 2004 and to dispose of the same by issuing a speaking order within a period of two months from the date of receipt of such representation.

- (iii) It is also directed that at the time of consideration of the representation submitted by the present petitioners, the authorities should give notice to respondent No. 4 and gave opportunity of hearing before passing any orders.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

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