

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

WP(C) No. 874 of 2023

Soibam Indrakumar

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

With

MC(WP(C)) No. 435 of 2023

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

15-12-2023

Heard Mr. N. Jotendro, learned senior counsel assisted by Syed Murtaza Ahmed, learned counsel appearing for the petitioner, Mr. S. Nepolean, learned GA assisted by Mrs. R.K. Emily, learned Deputy GA appearing for the respondents No. 1 to 4 and Mr. N. Ibotombi, learned senior counsel assisted by Mrs. N. Savitri, learned counsel appearing for the respondent No. 5.

In view of the limited issue raised in the present writ petition and as agreed to by all the counsel appearing for the parties, the present writ petition is being disposed of at the Motion stage.

The case of the petitioner is that the term of the office bearers of the Manipur Olympic Association has expired and this fact is not denied by the respondents. Mr. N. Jotendro, learned senior counsel submitted that as the term of the office bearers of the Manipur Olympic Association has already expired, the said office bearers has no authority or jurisdiction to amend the Bye-law (Constitution) of the Manipur Olympic Association. The learned senior counsel further submitted that in this regard, the petitioner had already submitted a representation dated 27-11-2023 to the Registrar of Societies, Manipur praying, inter alia, for quashing and setting aside the Notification dated 25-11-2023 which is being impugned in the present writ petition, however, no action had been taken up by the Registrar of Societies, Manipur till date. The learned senior counsel also stated that if the Special General Body Meeting of the Manipur Olympic Association is

allowed to be held as scheduled in the impugned meeting notice dated 25-11-2023 and the Circular dated 08-12-2023, the Bye-law (Constitution) of the Manipur Olympic Association will be amended in the said Special General Body Meeting without any authority and in contravention of the Bye-law / Constitution of the said Association. The learned senior counsel, accordingly, submitted that the impugned meeting notice as well as the Circular dated 08-12-2023 are required to be quashed and set aside.

Mr. N. Ibotombi, learned senior counsel and Mr. S. Nepolean, learned GA, on the other hand, submitted that since the petitioner had already approached the Registrar of Societies, Manipur by submitting a representation dated 27-11-2023 challenging the validity of the impugned meeting notice and impugned Circular and since the matter is pending before the Registrar of Societies, Manipur, who is the competent authority to decide the issue, no interference from this court is called for and it will be just and proper to let the Registrar of Societies, Manipur to decide the issue. It has further been submitted by the learned senior counsel appearing for the respondents that pursuant to the impugned meeting notice dated 25-11-2023 requesting all the affiliated association for sending two authorized representative to participate in the said Special General Body Meeting, the present petitioner in the capacity of Secretary of the Manipur Judo Association along with the name of the President of the said Association had already been furnished to the Manipur Olympic Association and as such, they may not have any grievance against the impugned notice and circular.

After hearing the submissions advanced by the learned counsel appearing for the parties and on perusal of the record, this court is of the considered view that in the event of amending the Bye-law (Constitution) of the Manipur Olympic Association in the said Special General Body Meeting of the Manipur Olympic Association as scheduled in the impugned meeting notice and circular, such amendment ultimately needs the approval of the Registrar of Societies, Manipur as provided under the

Manipur Societies Registration Act and Rules and without such approval of the Registrar, such amendment cannot be given effect to. Moreover, since the petitioner had already approached the Registrar of Societies, Manipur challenging the validity of the impugned meeting notice and the circular and as the matter is presently pending before the Registrar of Societies, Manipur for adjudication, this court is of the considered view that it will be just and proper to let the Registrar of Societies, Manipur to decide the issue and that there is no scope for interfering by this court with the matter at this stage.

Accordingly, the present writ petition is disposed of by directing the Registrar of Societies, Manipur to consider the representation dated 27-11-2023 submitted by the petitioner on its own merit and strictly in terms of the applicable act and rules and to decide the same by passing a speaking and reasoned order. Needless to mention here that the decision made by the Registrar of Societies, Manipur in connection with the said representation will cover the result or any decision taken in the said Special General Body Meeting for amending the Bye-law (Constitution) of the Manipur Olympic Association.

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

JUDGE

Devananda