

GAHC010243782022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7767/2022

ALL ASSAM CENTRAL ENVIRONMENT AND FOREST PROTECTION AND
ANR

A SOCIETY REGISTERED UNDER SOCIETIES ACT, 1860,

P.O.- DIPHU, WARD NO. 8,

DIST.- KARBI ANGLONG, ASSAM.

REPRESENTED BY ITS GENERAL SECRETARY, MR. DILIP DAIMARY.

2: DILIP DAIMARY

SON OF LATE DINESH DAIMARY

RESIDENT OF VILLAGE- DHUPGURI

P.O.- LANGHIN TINIALI

PIN- 782441

P.S.- DOKMOKA

DISTRICT- KARBI ANGLONG
(ASSAM)

VERSUS

THE GOVERNMENT OF ASSAM AND 4 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY,

DEPARTMENT OF REVENUE,

DISPUR, GUWAHATI- 781006.

2:THE SECRETARY

GOVERNMENT OF ASSAM

DEPARTMENT OF FINANCE

DISPUR

GUWAHATI- 781006.

3:THE REGISTRAR OF FIRMS AND SOCIETIES

ASSAM
H. NO. 1
4TH FLOOR
BANPHOOL NAGAR PATH

BELTOLA ROAD
NEAR HOUSEFED

DISPUR
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER
KARBI ANGLONG DISTRICT
DIPHU- 782460
ASSAM.

5:THE SUPERINTENDENT OF POLICE
KARBI ANGLONG
DIPHU- 782460
ASSAM

Advocate for the Petitioner : MR G JALAN

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

20.04.2023

Heard Shri G. Jalan, learned counsel for the petitioners. Also heard Ms. S. Sarma, learned State Counsel.

2. As agreed to by the parties and on considering the dispute involved, this writ petition is taken up for disposal at the admission stage.

3. The petitioner no. 1 is a registered society under the Societies Registration Act, 1860 and was last extended upto 24.10.2014 whereafter, the petitioner had applied for renewal and the process of renewal was on. However, at that time some criminal complaints were lodged against three numbers of the petitioners' society which was

registered in the Diphu Police Station. In view of such development, the registration of the petitioner no. 1 was not renewed. It is the case of the petitioners that the criminal cases had ended up in Final Report / Acquittal and therefore there is no impediment in consideration of the renewal of the registration.

4. Shri Jalan, learned counsel for the petitioners has submitted that though in the intervening period due to the amendment of the Society Registration Act (Assam Amendment), 2019, the renewal after expiry of the validity for more than one year could not have been permitted, there has been further Amendment in the Act, more particularly, Sections 3C & 3D by an Ordinance of 2002 whereafter renewal is permissible on payment of a prescribed fee for the period when such renewal should have been made from the date of expiry till the date of filing.

5. Shri Jalan, learned counsel for the petitioners submits that the petitioner no. 1 is therefore eligible to apply for renewal under amended provision which is required to be considered by the authorities.

6. Ms. Sarma, learned State Counsel by referring to the affidavits filed by the respondent no. 3 and the respondent no. 5 has submitted that there is a candid admission that if an application is made for renewal of the registration, the same would be considered in accordance with the amended provision of the Act. Specific averments to this effect has been made in the paragraph 10 of the affidavit filed by the respondent no. 3, which is extracted hereinbelow-

“10. ... Accordingly the society may apply for renewal online with uploading all the necessary documents and on receipt of online application, same will be considered.”

7. After hearing the learned counsel for the parties and taking note of the expressed stand of the respondents as recorded in the affidavit-in-opposition dated 21.02.2023, this writ petition is disposed of by giving liberty to the petitioner no. 1 to apply for renewal of the registration by online application within a period of 2(two)

weeks from today and on such application, the same is directed to be considered by the respondent authorities and pass appropriate orders in accordance with law. Such order may be passed within a period of one month from the date of receipt of such application.

8. At this stage, Shri Jalan, learned counsel for the petitioners points out that there is a report dated 17.02.2015 from the concerned Deputy Commissioner. The said report may also be considered while considering the application of the petitioner no. 1 for renewal of the registration.

9. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant