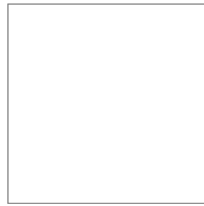


GAHC020006902022



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

Case No. : WP(C)/269/2022

THE NAGALAND RIFLE ASSOCIATION AND ANR
REPRESENTED BY ITS PRESIDENT MR. MERANG JAMIR, NST
COLONY,DIMAPUR - 797112, NAGALAND 2: MR. MERANG JAMIR
RESIDENT OF NST COLONY

DIMAPUR - 797112
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY,GOVERNMENT OF NAGALAND,
CIVIL SECRETARIAT - 797004, KOHIMA,NAGALAND 2:THE
SECRETARY/ADDITIONAL SECRETARY AND EX-OFFICIO REGISTRAR OF
SOCIETIES

GOVERNMENT OF NAGALAND
SOCIETIES REGISTRATION CELL
HOME DEPARTMENT

KOHIMA - 797001
NAGALAND

3:THE DEPUTY COMMISSIONER

GOVERNMENT OF NAGALAND
DIMAPUR - 797112
NAGALAND

4:THE DIRECTOR

DEPARTMENT OF YOUTH RESOURCES AND SPORTS
GOVERNMENT OF NAGALAND

KOHIMA - 797001. NAGALAND

5:THE SECRETARY GENERAL

NAGALAND OLYMPIC ASSOCIATION
OFFICERS HILL
KOHIMA - 797001
NAGALAND

6:THE PRESIDENT
NAGALAND SHOOTING SPORTS ASSOCIATION
REGIONAL CENTRE FOR SPORTING EXCELLENCE(RSCE)
SOVIMA

CHUMOUKEDIMA DISTRICT
NAGALAND

Advocate for the Petitioner : NEITEO KOZA

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 07-12-2023

Heard Ms. Neiteo Koza, learned counsel for the petitioners. Also heard Mr. Thiba Phom, learned Government Advocate for respondent Nos. 1 to 4. Mr. Pfosekho, learned counsel appears for respondent No.6. No one appears for respondent No.5.

2. The petitioner No.1 is the Nagaland Rifles Association (hereinafter referred to as NRA), while the petitioner No.2 is the President and founder of the NRA. The respondent No.1 is the State of Nagaland, while the respondent No.2 is the Secretary/ Additional Secretary & Ex-Officio, Registrar of Societies.

The respondent No.3 is the Deputy Commissioner, Dimapur, while the respondent No.4 is the Director of Youth Resources & Sports, Government of Nagaland. The respondent No.5 is the Secretary general, Nagaland Olympic Association and the respondent No.6 is the President of the Nagaland Shooting

Sports Association (NSSA).

3. The grievance of the petitioners is that the respondent No.2 has till date not renewed the registration of the petitioner No.1 Association, i.e. the Nagaland Rifle Association (NRA), despite application for the same having been submitted on 14.3.2022. The petitioner's counsel submits that the petitioner No.1 Association was registered as an association with the respondent No.2, vide registration No.HOME/SRC-6908 dated 14.7.2015. However, the petitioners were shocked to learn that the respondent No.6 Association i.e. Nagaland Shooting Sports Association (NSSA) had been formed and registered with respondent No.2, vide registration No.HOME/SRC-7547 dated 18.2.2022, on the premise that there was a merger of the petitioner No.1 association i.e. the Nagaland Rifle Association (NRA) and the erstwhile Nagaland State Rifle Association (NSRA), due to which the new association called the Nagaland Shooting Sports Association (NSSA) was formed.

4. The petitioners case is that the petitioner No.1 Association (NRA) did not merge with the NSRA to form the NSSA. As such, the non renewal of the NRA's registration by the respondent No.2 was arbitrary.

5. The learned counsel for the petitioners submits that the respondent No.2 had informed the petitioners that renewal of registration of the petitioner No.1 would be decided only after a decision was taken by the respondent No.2 as to whether there was a merger of the NRA and NSRA, which was now called NSSA. The petitioners counsel submits that the NSSA has objected to the renewal of the registration of NRA by the respondent No.2 on the ground that they had already merged with NSRA/NSSA and as such, NRA was no longer in existence. The petitioners counsel submits that the NRA and NSSA have both given their reasons to the respondent No.2, as to why there should be renewal/non renewal of the registration of the NRA with the respondent No.2.

6. The petitioners counsel further submits that the grant-in-aid for the period 2017-18, 2018-2019, 2019-2020, 2020-2021 has not been released to the petitioner No.1 by the State Government, on the ground that utilization certificates had not been submitted by the petitioner No.1. However, utilization certificates have now been submitted by the petitioner No.1 and as such, the petitioner should now be given the grant-in-aid due to them. In this regard, she

has submitted letter No.DYRS/COURT/NL-Rifle Asso/2023 dated 30.10.2023 issued by the Director, Youth Resources & Sports Nagaland, Kohima, wherein a direction has been sought from the Commissioner & Secretary Youth & Resources & Sports department, as to whether the grant-in-aid amounting to Rs.13,75,000/- should be given to the petitioner's association i.e. Nagaland Rifle Association, as the matter is subjudice before this Court.

7. The petitioners counsel submits that though the petitioners have made a number of prayers in the writ petition, she is pressing prayer No.,(b), (e) & (f) only, which are as follows:-

"b. To issue writ of Mandamus directing Respondent

No.2 to renew the registration of the Petitioner No.1;

e. Direct respondent No.6 to make necessary amendments in their impugned Memorandum of Association

and remove the name of the petitioner No.1 and to further remove the name of the petitioner No.2 whose name has reflected in the impugned Memorandum of Association as one of the Vice-President in the Members of Governing Body of the Nagaland Shooting Sports Association/NSSA

f. Direct respondent No.5 to release the grant in aid of Rs.13,75,000/-(Rupees thirteen lakhs seventy five thousand) earmarked for petitioner No.1 from the year 2017-2018 till 2020-2021."

8. The petitioners counsel also submits that the petitioners representations have not been decided by the respondent No.2 till date and as such, the issue with regard to whether the petitioners registration should be renewed may be decided by respondent No.2, by considering the petitioners representation dated 24.10.2022.

9. Mr. Pfosekho, learned counsel appearing for the respondent No.6 submits that affidavit-in-opposition has been filed on behalf of the NSSA by the General Secretary of the NSSA. He submits that the petitioner No.1 association (NRA) had merged with the NSRA, as can be seen from the letter dated 20.8.2021 issued by the petitioner No.2, wherein the petitioner No.2 has categorically stated that the NSSA was formed on 28.11.2019, by merging the NRA with the NSRA. Vide the letter dated 20.8.2021, the petitioner No.2 has requested the President of the NSSA to accept his resignation from the NSSA. The learned

counsel for respondent No.6 has also relied upon the letter dated 16.8.2022 issued by the NRA to the respondent No.5, requesting affiliation of the NRA with the Nagaland Olympic Association. He submits that in paragraph 2 of the said letter dated 16.8.2022, it was stated by the NRA that in the year 2019, it was agreed in principle that it would be better to have one single organization for the promotion of the shooting sport in the State under the banner of the Nagaland Shooting Sports Association, NSSA. He submits that the contents of the above letter dated 16.8.2022 proves that there was a merger of the NRA with the NSRA, due to which they formed a new shooting sports body called the Nagaland Shooting Sports Association (NSSA). He accordingly submits that as the NSSA was registered with the respondent No.2 on 18.2.2022, NRA was no longer in existence from the date of registration of the NSSA.

10. The learned counsel for the respondent No.6 submits that NSSA is the apex shooting body Association in Nagaland, having 11 district Rifle Associations in 16 administrative districts of the State. Thus, NSSA fulfills all the eligibility criteria of the National Rifle Association of India, NRAI, for being given affiliation to the NRAI.

11. The counsel for the respondent No.6 also submits that he does not have any objection to the prayer made by the petitioners counsel, to issue a direction to the respondent No.2, to decide the petitioners representation dated 24.10.2022 for renewal of the registration of the NRA, inasmuch as, the petitioner has now given up her prayer for setting aside the registration given to the NSSA by the respondent No.2.

12. Mr. Thiba Phom, learned Government Advocate appearing for respondent Nos. 1 to 4 submits that the respondents received an application for registration of NSSA forwarded by the office of the Deputy Commissioner, Dimapur, wherein it was stated that the NSRA and NRA had merged to form a new association namely, Nagaland Shooting Sports Association (NSSA). A verification was conducted on 9.2.2022 and on the basis of the verification report, the Administrative Officer in the Home Department issued registration certificate in favour of the NSSA bearing registration No.HOME/SRC-7547 dated 18.2.2022. He also submits that the respondent Nos. 1 to 4 had conveyed to the petitioner that grant in aid for the financial year 2017-2018, 2018-2019, 2019-2020, 2020-

2021 amounting to Rs.1,75,000/-, Rs.4,00,000/-, Rs.4,00,000/-, 4,00,000/- was sanctioned to the petitioners and requested the submission of utilization certificate in original for release of the fund. He submits that grant in aid payable to the petitioners for the financial years 2017-2021 amounting to Rs.13,75,000/- had not been released, due to non submission of utilization certificate/vouchers in original by the petitioners.

13. Mr. Thiba, learned Government Advocate for respondent Nos. 1 to 4 also submits that he does not have any objection to the prayer made by the petitioners counsel, for a direction to be issued to the respondent No.2, to consider the petitioners' renewal of registration made vide representation dated 24.10.2022.

14. I have heard the learned counsels for the parties.

15. The issue to be decided is with regard to the prayer of the petitioner for renewal of the registration of the Nagaland Rifle Association (NRA). As can be seen from the submissions of the learned counsels for the parties, the petitioners have taken a stand that the NRA has not merged with the NSRA. On the other hand, it is the stand of the respondent No.6 that the NSSA was formed due to the merger of NRA and NSRA and the consequent registration of NSSA as a merged/amalgamated association with the respondent No.2, vide registration No.HOME/SRC-7547 dated 18.2.2022. The petitioners case is that they have not executed any document/agreement or MOU with the NSRA or the NSSA showing that the NRA had merged with the NSRA. On the other hand, the stand of the NSSA, i.e. the respondent No.6 is to the effect that the letters dated 20.8.2021 and 16.8.2022 submitted by the petitioner No.2 to respondent No.6 and the Nagaland Olympic Association respectively, proves that the NRA had merged with the NSRA.

16. The genesis of the dispute needs to be brought into picture to understand the entire case. The case of the petitioners i.e. the NRA is that the petitioners were registered as a society under the Societies Registration Act in the year 2015, while the NSRA was registered in the year 2013. The NSRA being aggrieved by the registration of the NRA submitted a complaint to the respondent No.2, requesting that the registration of NRA should be cancelled, as the same had been done by concealing/withholding facts during the time of

registration. Further, as the NRA had an identical name with the NSRA, the registration of the NRA should be cancelled, as the same was not permissible as per section 3(2) of the Societies Registration (Nagaland Third Amendment) Act, 2009. In pursuance to the complaint dated 16.12.2016 submitted by the NSRA, the registration of the NRA was cancelled. Being ag-grieved, the NRA approached this Court by filing W.P.(C)155(K)/2016.

17. This Court on considering the issues held that the cancellation of the registration of the NRA was not in consonance with Section 23 of the Societies Registration (Nagaland Second Amendment) Act, 1984, hereinafter referred to as 1984 Amendment Act. This Court also held that the activities of the NRA was not subversive to the objects of the NSRA and that none of the grounds that had been projected in the showcause Notice dated 05.07.2016 had been violated by the respondent nos. 1 & 2. Accordingly, the Order dated 03.08.2016, by which registration of the NRA had been cancelled, was set aside. Being aggrieved by the judgment passed by this Court in W.P.(C) 155(K)/2016, the State Government filed W.A.29(K)/2017 and the NSRA filed W.A.13(K)/2018 against the judgment passed in W.P.(C)155(K)/2016. Both the appeals were dismissed by the Division Bench of this Court vide judgment and order dated 30.5.2019.

18. As stated earlier, the issue now is, whether the NRA had merged with the NSRA and formed a new association, i.e the NSSA. It may be observed here that even if this Court is to assume that NRA had merged with NSRA and formed the NSSA, the NSSA having been registered with the respondent No.2 only on 18.2.2022, vide registration No.HOME/SRC-7547 , the NSSA became a juristic person only from 18.2.2022.

19. Annexure 'A' to the affidavit-in-reply filed by the petitioners to the affidavit-in-opposition filed by the respondent Nos.1,2,3 and 4 on 27.9.2023 is letter No.DEV-12/NGO/2016-D9656 dated 23/11.2022, issued by the Additional Deputy Commissioner, Dimapur Nagaland and addressed to the respondent No.2, which states that after thorough analysis of the reply, claims and objections written by the NSSA and NRA, it was found that no Memorandum of understanding was executed for the merger of the NSRA and NRA for the formation of one common entity i.e. NSSA. The contents of the letter No. DEV-

12/NGO/2016-D9656 dated 23.11.2022 issued by the Additional Deputy Commissioner, Dimapur is reproduced herein below:-

"Sub: CLARIFICATION REGARDING RENEWAL OF NAGALAND RIFLE ASSOCIATION (NRA).

Sir,

In inviting a reference to your letter No. SRC/HOME/RNW/462/2017 dated 29/September/2022 on the subject cited above, I am directed to clarify that this office has received an application from Nagaland Shooting Sports Association" (NSSA) for registration of their Society under Registration of Societies Act 1860 dated 9th February 2022 vide letter No. Ref. NSSA/REGD-1/2022 stating that two entities i.e. Nagaland State Rifle Association (NSRA) and Nagaland Rifle Association, (NRA) has been merged to form the Nagaland Shooting Sports Association (NSSA). This office forwarded the application to your esteem office after verification from SDO (Civil) Sadar. However, this office received another application from Nagaland Rifle Association, (NRA) dated 14th march 2022 vide letter No. NRA/RENEWAL-3/2022 for renewal of their society. Therefore, this office has written to both NSSA and NRA vide letter NO.DEV-12/NGO/2016-d/10508 dated 30th march 2022, to submit clarification regarding the status of merger of the two entities and whether they wish to continue together or to renew registration as a separate entity. In this regard, both the party has given a written reply (copy enclosed) After thorough analysis of their replies, claims and objections, it is found that no Memorandum of Understanding (MOU) has been executed for the merger between NRSA and NRA for the formation as one common entity the "Nagaland Shooting Sports Association" (NSSA). It may be further mentioned that the genesis of tussle

between NRA and NSSA initially originated from the tussle between the NRA and NRSA which was settled by the Hon'ble Gauhati High Court Kohima Bench, Respectively in the year 2016 and 2017. Order enclosed which is self explanatory. This is for your kind information and necessary action please.

Enclosed: As stated"

20. Be that as it may, as the counsels for the parties have agreed that the prayer for renewal of registration of the NRA should be decided by the respondent No.2, by taking a decision on the petitioners representation dated 24.10.2022, this Court directs the respondent No.2 to take a decision on the petitioners prayer for renewal of their registration, by taking a decision on the petitioners representation dated 24.10.2022, within a period of one month from the date of receipt of a copy of this order. The decision taken shall be communicated to the petitioners and the respondent No.6. The respondent No.2 should also keep in mind the fact that the petitioners have given up their prayer for quashing and setting aside the certificate of registration No. HOME/SRC-7547 dated 18.2.2022 given to the NSSA, while deciding the above representation dated 24.10.2022.

21. With regard to the submission of the learned counsel for the respondent No.6 that the NSSA is the Apex shooting body in Nagaland having 11 districts Rifle Associations and that it fulfills the criteria for being affiliated to the NRIA, this Court is of the view that the above issue is not relevant to the facts of this case. The case in hand is not with regard to affiliation with the NRIA, but is with regard to renewal of the registration with the respondent No.2. There can be many associations registered with the respondent No.2 and the question of affiliation with the NRIA is a completely different issue. The affiliation to be done by NRIA would be subject to other considerations and the same does not bar registration of more than one shooting associations in the State. There can be a number of rifle shooting associations in the State and one of them would be chosen to be affiliated by the NRIA. However, the same is another subject matter which has no relevance to this case.

22. With regard to the prayer of the petitioners, wherein a direction has been

sought to release the grant in aid sanctioned and payable to the petitioners for the years 2017- 2018 to 2020-2021, Paragraph 7 of the affidavit-in-opposition filed by the respondent Nos. 1 to 4 dated 5.9.2023 states that grant in aid amounting to Rs.13.75,000/- was to be released to the petitioners, but the same was not given due to non submission of utilization certificate/vouchers in original. As the petitioners counsel has stated that the utilization certificate/vouchers have been given to the respondent No.4, the grant in aid amounting to Rs.13,75,000 should be disbursed to the petitioners by the respondent No.4, if utilization certificate/vouchers have actually been given by the petitioners. The same should be done within a period of one month from the date of receipt of a copy of this order.

23. The learned counsel for the petitioners has also submitted letter No.DYRS/COURT/NL-Rifle-Aso/2023b dated 30.10.2023, issued by the respondent No.4 and addressed to the Commissioner & Secretary, Government of Nagaland, Youth Resources & Sports Department, which implies that utilization certificate have been submitted by the petitioner. The respondent No.4 has sought advise, as to whether the grant in aid amounting to Rs.13,75,000/- could be released to the NRA, when the matter is subjudice before this Court. The contents of the letter dated 30.10.2023 is reproduced as follows:-

"Ref: W. P (C) No. 269 (K)/2022, The Nagaland Rifle Association and Another -Versus- State of Nagaland & 5 Others.

Sub: Forwarding Letter dated 11.10.2023, Submission of Utilization Certificates and Requesting for Release of Grant-in-Aid to the Petitioner.

Sir,

In inviting your reference to the subject cited above, the Office of the undersigned is a party respondent, more specifically Respondent No. 4 in the above mentioned Writ Petition. A direction is sought as to whether the Grant-in-Aid amounting to Rs.13,75,000/- (Rupees thirteen lakhs seventy five thousand

only) to the petitioner's Association – Nagaland Rifle Association may be released when the matter is sub judice before the Hon'ble High Court.

This is for your kind information and necessary action, please.

The letter dated 30.10.2023 issued by the respondent No.4 is made a part of the record and marked as Annexure-' X'.

24. In view of the direction given in the foregoing paragraphs, this Court directs the respondent No.4 to release the grant in aid amounting to Rs.13,75,000/- to the petitioners, within one month from the date of receipt of a copy of this order, if the petitioners have submitted the utilization certificates.

25. This writ petition is accordingly disposed off, in terms of the observations and directions given in the foregoing paragraphs.

Sd/-

JUDGE

Comparing Assistant