

Court No. - 10

Case :- WRIT - C No. - 36369 of 2023

Petitioner :- Sri Kashi Sarafa Atithi Bhawan Trust

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Mishra, Sanjay Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Sanjay Mishra, learned counsel for the petitioner and the learned Standing Counsel for the respondents no.1 and 2.
2. The petitioner's complaint seeking cancellation of registration of society has been rejected by the order impugned dated 27.05.2023.
3. It is contended by the learned counsel for the petitioner that though there was sufficient documentary evidence produced by the petitioner, the finding recorded in the order impugned that the rejection has been done for want of documentary evidence is perverse.
4. Learned Standing Counsel submits that the writ petition is not maintainable in view of alternative statutory remedy of filing an appeal under Section 12-D(2) of the Societies Registration Act, 1860.
5. Learned counsel for the petitioner submits that only 30 days period has been provided as limitation for filing appeal which period has expired in June, 2023 and, therefore, in case the appeal is filed now, the same shall be dismissed as barred by limitation.
6. Considering the facts and circumstances of the case, the writ petition is **disposed of** permitting the petitioner to file appeal under Section 12-D(2) of the Act, 1860 before the Commissioner of the Division.
7. In case such an appeal is filed along with certified copy of this order **in the month of November, 2023 itself**, the same shall be registered and shall be decided on merits after providing full opportunity of hearing to the respondent no.3, namely, Ravi Kumar Sarafa, **on or before 15.02.2024**.

8. The appeal shall not be dismissed on the ground of limitation but shall be decided on merits.

Order Date :- 7.11.2023

AKShukla/-