

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

WP(C) No. 13 of 2020

Ukhrul District Taxi Welfare Assn.

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

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

O R D E R

03-09-2024

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Ms. Rinika Maibam, learned counsel appearing for the petitioner; Mr. Th. Vashum, learned GA appearing for the respondents No. 1 to 3, 5 and 6 and Mr. Wungpam Yangya, learned counsel appearing for the respondent No. 4.

The present petition has been filed with the prayer, inter alia, for quashing and setting aside the impugned Certificate of Registration issued in favour of the respondent No. 4.

[2] It has been submitted by Mr. M. Hemchandra, learned senior counsel that Section 10 of the Manipur Societies Registration Act, 1989 provides 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 the Act or any other law for the time being in force, as the case may be, or is deemed to have been registered under the Act..

[3] The learned senior counsel submitted that in the present case, the petitioner society was registered under the Manipur Societies Registration Act and Registration Certificate dated 27-02-2009 was issued in their favour. However, in the case of the respondent No. 4, the respondent No. 4 society was registered under the Manipur Societies Registration Act and Certificate of such registration was issued only on 23-06-2018, much after the registration of the petitioner society. Having

being aggrieved, the petitioner has already submitted a representation dated 06-08-2018 to the Registrar of Societies, Manipur, with a request for initiating an enquiry under Section 22 of the said Act and to take an action as per the provisions of the Act.

[4] It has also been submitted that the Registrar have made several efforts for an amicable settlement between the disputing parties, however, no positive result has been achieved as yet.

The learned senior counsel pointed out that under Section 11 of the Manipur Societies Registration Act, 1989, it is, inter alia, provided that if a society is registered under a name, or alters its name to another, name which in the opinion of the State Government is identical with or too nearly resembles the name of any other society or body corporate which have been previously registered, the State Government may by order made in this behalf direct such society to change its name and alter its memorandum within three months from the date of order or such longer period as the State Government may think fit to allow.

[5] It has been submitted by the learned senior counsel that as the Government is empowered to take necessary action as provided under Section 11, the writ petitioner be given liberty to approach the competent authority of the State Government by filing a fresh representation to redress its grievances as provided under Section 11 of the Act within a stipulated period and the competent authority be directed to consider and dispose of such representation within a stipulated period. It has further been submitted that by passing such an order, the present writ petition can be disposed of.

[6] Mr. Th. Vashum, learned GA appearing for the official respondents submitted that he has no objection in disposing of the present writ petition as prayed for by the learned senior counsel appearing for the petitioner, however, it has been submitted by the learned GA that if such a representation is to be filed, the said representation be addressed to the Commissioner/ Secretary (Coop.), Government of Manipur.

Mr. Wungpam Yangya, learned counsel appearing for the respondent No. 4 also fairly submitted that he has no objection in disposing of the present writ petition as prayed for on behalf of the petitioner.

[7] Taking into consideration the submissions advanced by the counsel appearing for the parties, this court is of the considered view that interest of justice will be served by passing the following directions:-

- (i) Petitioner is given liberty to approach the Commissioner/ Secretary (Coop.), Government of Manipur by filing a detailed representation to redress its grievances in terms of Section 11 of the Manipur Societies Registration Act. Such representation should be filed within a period of two weeks from today;
- (ii) In the event of filing such a representation by the petitioner within the stipulated period, the Commissioner/ Secretary (Coop.), Government of Manipur, is hereby directed to consider such representation on its own merit and strictly in terms of the provisions of the Manipur Societies Registration Act and Rules made thereunder as well as the Standing Order issued by the Government and to dispose of the same by passing a speaking order within a period of three months from the date of receipt of the said representation; and
- (iii) Needless to mention here that at the time of consideration of the representation submitted by the petitioner, the Commissioner/ Secretary (Coop.), Government of Manipur, is directed to issue notice to the respondent No. 4 and to give a reasonable opportunity of being heard.

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

JUDGE

Devananda