

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.07 of 2024

Sri Kripajoy Reang

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. S. Chakraborty, Advocate.

For Respondent(s) : Mr. Kohinoor N. Bhattacharyya, G.A.,
Ms. P. Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

12/12/2024

This public interest litigation has been preferred by the petitioner who claims himself to be Kaskau i.e. the Head of Bru (Reang) community of Tripura for cancellation of registration of the Bru Songrongma Mthoh, a society said to be registered under the Societies Registration Act, 1860 vide registration No.4640 dated 24.11.2004 as allegedly the respondent-Society is acting contrary to the memorandum of association. Several averments have been made in the writ petition alleging that after obtaining registration from respondent No.4, the society and its office bearers are indulging in several illegal acts such as running a parallel judicial system by taking money from the innocent Bru (Reang) community members and operating contrary to the objects of the society as per their Memorandum of Association. The objects of the society are avowedly to teach the students regarding various vocational courses; to organize cultural programmes in and outside the rural areas about sanitation, pollution, etc.; to maintain and improve friendly relations and cooperation among the members; to work as a non-profit organization and to do all such things as may be incidental to the attainment of all or any of the above objects.

2. Mr. S. Chakraborty, learned counsel for the petitioner, submits that earlier a notice dated 28.03.2022 was served upon the officials of the State including the Registrar of Societies, Government of Tripura vide Anneuxre-3 which contains the gist of allegations about illegal activities carried out by the society and its executive members contrary to the aims and objects of the society under which registration was granted in its favour. However, since no action has been taken, petitioner has been compelled to invoke the jurisdiction of this Court under Article 226 of the Constitution of India in a public interest litigation. He prays that suitable directions may be issued upon the respondent-authority to inquire into the allegations about the society and if the charges are proved, cancel its registration.

3. Mr. Kohinoor N. Bhattacharyya, learned Government Advocate for the respondents-State, submits that the pleadings are sketchy and lacking in relevant details as to whether the society is registered under the Act of 1860 or under the Cooperative Societies Act, Tripura, 1974. It is submitted that Section 21 of the Act of 1974 prescribes the procedure and the mechanism for cancellation of the registration of such society which is not running as per its aims and objects. Petitioner has, instead of availing the statutory remedy, invoked the jurisdiction of this Court in a public interest litigation. It is further submitted that as per the Act of 1974 and the Rules framed thereunder, the competent authority i.e. the Registrar of Societies is empowered to undertake due inquiries and ensure compliances and take appropriate action after following the principles of natural justice in case any such society is not being carried out as per its aims and objects professed in the Memorandum of

Association. Therefore, petitioner may be relegated to approach the statutory authority in respect of his grievances.

4. On consideration of rival submission of the parties and on going through the pleadings on record, we at the outset deem it proper to indicate that relevant material facts and particulars required for invoking the writ jurisdiction of this Court are lacking. It is also not clear from the pleadings as to whether the society is registered under the Act of 1860 or under the Cooperative Societies Act, Tripura, 1974. Otherwise also the authority granting registration to any such society has the power to inquire into the affairs of the society if they are not running in consonance with the aims and objects of the society and are contrary to law.

5. In such circumstances, at this stage this Court is not inclined to entertain the writ petition in the nature of public interest litigation. Petitioner is allowed liberty to approach the respondent No.4-The Registrar of Society, Government of Tripura in respect of his grievances. Needless to say, respondent No.4, if satisfied with the genuineness and authenticity of the grievances raised by the petitioner, may undertake due inquiries and action in accordance with law of course after complying with the principles of natural justice. Be it indicated that we have made no comments on the merits of the allegations raised by the petitioner.

6. With these observations, the instant public interest litigation is disposed of.

(BISWAJIT PALIT), J

(APARESH KUMAR SINGH), CJ

Pijush/

PULAK BANIK

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