

GAHC010046412024



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

Case No. : WP(C)/1254/2024

GURU SINGH SABHA

A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT,
1860 AMD HAVING ITS OFFICE AT FANCY BAZAR, S S ROAD, GUWAHATI,
DIST. KAMRUP(M), ASSAM, PIN- 781001 AND IS REPRESENTED BY ITS
PRESIDENT SUKHVINDER SINGH, SON OF LATE MOHINDER SINGH, R/O-
HOUSE NO. 14, SHANKARPUR, GOPINATH NAGAR, P.O. GOPINATH
NAGAR, P.S. PALTANBAZAR (BIRUBARI OUTPOST), GUWAHATI-781016.

VERSUS

THE STATE OF ASSAM AND 2 ORS

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-781006.

2:THE REGISTRAR OF FIRMS AND SOCIETIES

ASSAM

HOUSE NO. 1

BANPHOOL NAGAR PATH

BELTOLA

BASISTHA ROAD

NEAR HOUSEFED

DISPUR

GUWAHATI-781006

KAMRUP(M).

3:THE PUNJAB AND SINDH BANK

FANCY BAZAR

GUWAHATI

ASSAM

PIN- 781001

REPRESENTED BY ITS BRANCH MANAGER

Advocate for the Petitioner : MR. S BANIK

Advocate for the Respondent : SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 05-03-2024

Heard Mr. S. Banik, learned counsel for the petitioner and Mr. P.Nayak, learned Standing counsel for the respondent No. 1 & 2.

The present writ petition is disposed at the motion stage as consented to, by both the learned counsel for the parties.

The case in brief as submitted by the learned counsel for the petitioner is that the petitioner's society namely, Sri Guru Singh Sabha is a non profit religious and social society and the main object to the society is to look after the religious and social needs of the Sikh community and all other communities, without indulging in political affairs. The executive committee of the said society was elected on 31/07/2022 and its term will expire on 30/07/2025. The President of the Executive Committee of the society has filed the present writ petition on behalf of the society.

Mr. S. Banik, the learned counsel for the petitioner submits that on 22/02/2024, a meeting of the society was convened at 11:00 A.M. to discuss certain agenda relating to the society. In the course of the discussion in the meeting a group of ladies numbering about 25/30 came and unilaterally declared themselves to be the new committee and forcibly snatched away the proceeding book. Consequent thereto, the executive committee of the society had appraised the concerned authority that the lawfully constituted executive committee of the society has not been allowed to function by a group of ladies unilaterally claiming themselves to be the new executive members of the society.

The President of the petitioner's society had thereafter visited the Office of the Registrar of Firms and Societies, Assam on 26/02/2024 and handed over the copy of the representation requesting the statutory authority to verify and furnish the copy of the names,

addresses and occupations of the members of the committee of Sri. Guru Singh Sabha, Fancy Bazar, SS Road, Guwahati, District-Kamrup Metropolitan, Pin-781001 which was constituted on 31/07/2022. The representation was submitted in compliance to section-2 of the Societies Registration Act, 1860. The Office of the Registrar of Firms and Societies, Assam however, refused to accept any such representation. Leaving with no alternative, the representation dated 26/02/2024 was send to the Registrar of Firms and Societies, Assam by speed post on 27/02/2024.

It is the case of the petitioner that the representation dated 26/02/2024 has been received by the authority concerned on 28/02/2024. However, as no action has been taken on the representation dated 26/02/2024 submitted by the executive committee of the society, the President representing the executive committee of the society has filed the present writ petition.

Both Mr. S. Banik, the learned counsel for the petitioner and Mr. P. Nayak, learned Standing counsel for the respondent No. 1 & 2 are in unanimity that the writ petition can be disposed with a direction to the petitioner to submit a fresh representation to the Registrar of Firms and Societies, Assam for furnishing the required information as sought for in the representation dated 26/02/2024.

The writ petition is accordingly disposed of with a direction to the petitioner to submit a fresh application to the Registrar of Firms and Societies, Assam, seeking for required information as sought for in the representation dated 26/02/2024. On receiving the representation submitted by the President of the Executive Committee of the society, the petitioner herein, the Registrar of Firms and Societies, Assam, shall verify the representation and thereafter, provide the petitioner's society with the copy of the names, addresses and occupations of the members of the committee of Sri. Guru Singh Sabha, Fancy Bazar, SS Road, Guwahati, District- Kamrup Metropolitan, Pin-781001 which the executive committee elected on **31/07/2022** had submitted to the Registrar of Firms and Societies, Assam, in compliance of the section-2 of the Societies Registration Act, 1860. The Registrar of Firms and Societies, Assam, shall provide the necessary information as sought for by the petitioner in their representation in accordance with law and within a period of 2(two) weeks time from the date of receipt of the representation,.

With the above observation and direction, writ petition stands disposed.

JUDGE

Comparing Assistant