

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 68 of 2024

1. The Manipur Olympic Association, a registered Association being No. 2740 of 1979, affiliated to Indian Olympic Association, Manipur Olympic Bhavan/ Shanglen, Khuman Lampak Sports Complex, Imphal, though its Secretary General, Longjam Jayantakumar Singh, aged about 61 years, S/o (Late) Longjam Tombichou Singh, a resident of Tera Loukrampam Leikai Awang, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. Sunil Elangbam, President, Manipur Olympic Association, aged about 65 years, S/o (Late) Elangbam Deben Singh, a resident of Keishamthong Elangbam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

... Petitioners

-Versus-

1. The State of Manipur, represented by the Commissioner (Co-operation), Government of Manipur, New Secretariat Building, North Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Registrar of Societies, Manipur having its office at Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
3. Shri Soibam Indrakumar, aged about 65 years, S/o Soibam Rajmani, a resident of Sagolband Tera Lukhram Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioners	::	Mr. N. Ibotombi, Sr. Advocate asstd. by Mr. Ningtamba, Advocate
For the respondents	::	Mr. M. Rarry, Sr. Advocate asstd. by Ms. Nikita, Advocate
Date of hearing	::	07-04-2025
Date of judgment & order	::	08-07-2025

JUDGMENT & ORDER

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. Ningtamba, learned counsel appearing for the petitioners and Mr. M. Rarry, learned senior counsel assisted by Ms. Nikita, learned counsel appearing for the respondents.

The present writ petition had been filed with a prayer for quashing the order dated 19-01-2024 issued by the Registrar of Societies, Manipur. By the said impugned order, meeting Notice dated 23-12-2023 issued by the Secretary General of the Manipur Olympic Association for holding the Annual General Meeting of the Association and for election of new office bearers and members of the Executive Council of the Manipur Olympic Association (MOA) had been cancelled.

The petitioner No. 1 is a registered Association under the Manipur Societies Registration Act and affiliated to the Indian Olympic Association represented by its Secretary General and petitioner No. 2 is the newly elected President of the said Association.

[2] The facts of the present case, in a nutshell, is that under the Rules and Regulations of the Manipur Olympic Association (MOA), the term of the elected office bearers and the members of the Executive Council of the MOA is only for a period of four years. As the term of the last office bearers and members of the Executive Council of MOA, which was elected on 19-08-2018 expired on 18-08-2022, the respondent No. 3 submitted a representation dated 07-08-2023 to the Registrar of Societies, Manipur,

(respondent No. 2 herein) with a request for holding an election to elect new office bearers and members of the Executive Council of MOA by appointing an independent Returning Officer preferably the Director of the Youth Affairs and Sports.

As the said representation submitted by the respondent No. 3 was not considered by the respondent No. 2, the respondent No. 3 filed a writ petition being WP(C) No. 641 of 2023 before this court and the said writ petition was disposed of by an order dated 14-09-2023 by directing the respondent No. 2 to consider and dispose of the representation submitted by the respondent No. 3 on its own merit and strictly in terms of the applicable rules within a period of two months from the date of receipt of a certified copy of the said order. In the said order, it was also made clear that the respondent No. 2 shall give opportunity of being heard to all the stakeholders at the time of consideration of the said representation.

[3] As directed by this court and after hearing both the parties, the respondent No. 2 disposed of the said representation by issuing an order dated 23-10-2023. By the said order, the respondent No. 2 decided that the election of new office bearers and Executive Council members of MOA should be conducted on or before 30-11-2023 by Ex-Executive Council members of MOA and as such, the Ex-Executive Council Members of MOA were directed to conduct the election of MOA as per Bye-Laws of the society and Manipur Societies Registration Act, 1989 and its Rules. However, as the election could not be held within the stipulated period as directed by the respondent No. 2, an emergency meeting of the Executive

Council of the MOA was held on 22-12-2023 and took a resolution for holding the Annual General Meeting of the Association with election of new office bearers and members of the Executive Council of MOA on 14-01-2024. Thereafter, the Ex-Secretary General of MOA wrote a letter dated 23-12-2023 to the respondent No. 2 informing the latter about the inability to convene the Annual General Meeting with election of new office bearers and Executive Council members of MOA within the stipulated time and also requesting the respondent No. 2 to consider for allowing the MOA to convene the Annual General Meeting with election of new office bearers and Executive Council members on 14-01-2024. After a few days, the Ex-Secretary General wrote another letter dated 26-12-2023 to the respondent No. 2 informing the latter about holding of the Annual General Meeting of the MOA with election of its new office bearers and members of the Executive Council on 14-01-2024 and also requesting to depute two Observers from the office of the respondent No. 2 for attending the said Annual General Meeting with election of new office bearers and members of the Executive Council of MOA.

[4] The Ex-Secretary General also issued a meeting Notice dated 23-12-2023 and Corrigendum dated 31-12-2023 notifying for general information that the Annual General Meeting with election of new office bearers and members of the Executive Council of the MOA will be held on 14-01-2024. Thereafter, the Ex-Secretary General of MOA issued another Memorandum dated 29-12-2023 appointing one person as Returning Officer for conduct of the election of new office bearers and members of the Executive Council of MOA to be held on 14-01-2024. Subsequently, the

said Returning Officer issued a Notice of election dated 08-01-2024 notifying the schedule for holding the said election. The respondent No. 3, in the meantime, submitted two representations dated 26-12-2023 and 29-12-2023 to the respondent No. 2 requesting for quashing and setting aside the meeting dated 23-12-2023 and for election of the new office bearers and members of the Executive Council of the MOA be conducted by appointing an ad-hoc committee. Thereafter, the respondent No. 3 filed another writ petition being WP(C) No. 1 of 2024 before this court and the said writ petition was disposed of by this court by an order dated 11-01-2024 directing the respondent No. 2 to consider the said representations strictly on its own merit and in terms of the applicable rules and to dispose of the same by issuing a speaking order within a period of one month. It was also made clear that at the time of consideration and disposal of the said representation, the respondent No. 2 should afford opportunity of being heard to the MOA or any of its representatives.

[5] In the meantime, the Returning Officer submitted the list of Elected/ Returned Candidates of the new office bearers and Executive Council member of MOA under a letter dated 13-01-2024. In the said letter, it is, inter alia, stated that on the date of scrutiny of nomination papers held on 12-01-2024, the nominations were accepted without any contest from other eligible candidates and as such, the list of duly Elected/ Returned Candidates was submitted for necessary action. Thereafter, the Annual General Meeting of MOA with election of new office bearers and members of the Executive Council of MOA was held on 14-01-2024 as scheduled earlier and accepted the election of new office bearers and Executive

Council members of MOA and the proceedings of the said Annual General Meeting was submitted to the respondent No. 2 by the newly elected Secretary General of the MOA under cover of a letter dated 15-01-2024 for acknowledgment and record. However, instead of accepting and acknowledging the proceedings of the Annual General Meeting and election of new office bearers and Executive Council members of MOA and in purported compliance of the order dated 11-01-2024 passed by this court in WP(C) No. 1 of 2024, the respondent No. 2 issued the impugned order dated 19-01-2024 thereby the meeting notice dated 23-11-2023 issued by the Ex-Secretary General of MOA for holding the Annual General Meeting of the MOA and election of new office bearers and members of the Executive Council was cancelled. The only reason given in the said order for cancellation of the said meeting notice is that the said meeting notice was issued by a person who was no longer serving as Secretary General of MOA and as such, he cannot issue the said notice.

In the said order, the respondent No. 2 also gave the following directions:-

“9. Further, the Ex-Executive Council of Manipur Olympic Association is directed as follows:

- i) Election of new Office Bearers and Members of the Executive Council of Manipur Olympic Association, shall be conducted within 1 (one) month of issue of this Order by complying with all norms of election and as per Rules and Regulations/Constitutions/Bye-Laws of Manipur Olympic Association and Manipur Societies Registration Act, 1989 and its Rules.***
- ii) Returning Officer shall be requested from the Directorate of Youth Affairs and Sports, Government of Manipur, for conducting election of members of Executive Council and Office Bearers of Manipur Olympic Association.***
- iii) Authorised Officials of the Office of Registrar of Societies, Manipur, shall oversee the election process to ensure transparency and fairness of election.***
- iv) All Notifications related to election process shall be published in 2 (two) leading daily local newspapers and widely circulated among all the affiliated Associations/Organisations.***

- v) *Tentative and final voters' list shall be published in 2 (two) leading daily newspapers and widely circulated among all affiliated Associations/Organisations, duly inviting Objections to the tentative voters' list.*
- vi) *Schedule of Election should be notified and published in 2 (two) leading daily newspapers and widely circulated among all affiliated Associations/Organisations.*
- vii) *Manipur Olympic Association shall request the Office of the Registrar of Societies, Manipur, for deputing Observers on the date of election.*
- viii) *Notification for election shall be published in 2 (two) leading daily local newspapers and widely circulated."*

Having been aggrieved, the petitioners assailed the said order by filing the present writ petition.

[6] Mr. M. Rarry, learned senior counsel appearing for the respondents raised a preliminary ground regarding maintainability of the present writ petition. It has been submitted by the learned senior counsel that under the Rules and Regulations of the Manipur Olympic Association, the term of office bearers and members of the Executive Council of the Association is only for a period of four years and that the fixed term of an elected body can never be extended beyond its fixed tenure or term. It has been submitted by the learned senior counsel that the last election of office bearers and Executive Council members of MOA was on 19-08-2018 and their term expired on 18-08-2022 after completion of four years, thereafter, the said office bearers and Executive Council members became functus officio and they are not competent or have any authority to hold election of new office bearers and Executive Council members of the Association. It has been submitted that admittedly the meeting notice dated 23-12-2023 was issued by a person posing as the Secretary General of the Association even though he was no longer the Secretary General of the Association after expiry of the term of office. According to the learned senior counsel,

the said meeting notice was issued by an incompetent person without any authority of law and hence, the said notice is null and void and non-est in the eye of law as the same having been issued without jurisdiction and authority of law and therefore, all the subsequent actions thereto are also null and void ab-initio.

[7] It has also been submitted by the learned senior counsel that there is no provision either in the Rules and Regulations/ Constitution/ Bye-Laws of the Manipur Olympic Association or under the Manipur Societies Registration Act and its rules for holding election of new office bearers and Executive Council members of MOA by ad-hoc committee or Ex-Executive Committee members, hence, the election of new office bearers and Executive Council members of MOA are null and void and non-est in the eye of law and as such, the petitioners have no locus-standi to file the present writ petition and the present writ petition is liable to be dismissed as not maintainable. It has further been submitted that the entire process of issuing a Memorandum dated 29-12-2023 appointing the Returning Officer by the Ex-Secretary General of the Association is illegal, null and void ab-initio as the Ex-Secretary General has no legal right to exercise such power and authority and as such, any action taken by the said Returning Officer are also legally null and void ab-initio in the eye of law, hence, there is nothing illegal in cancelling the meeting notice dated 23-12-2023 by the respondent No. 2 and in issuing direction to hold a fresh election of new office bearers and Executive Council members of the MOA strictly in terms of the applicable act and rules. The learned senior counsel

submitted that the present petition deserves to be dismissed as being devoid of merit and not maintainable.

In support of his contention, the learned senior counsel cited the judgment rendered by a Single Judge of Orissa High Court in WP(C) No. 41 of 2010 **“Governing Body of Bahanaga College Vs. State of Orissa & ors.”** wherein it has been held as under:-

“13. On the basis of factual matrix available on record, and on perusal of the documents, it appears that the Governing Body which was last constituted was approved by the Director, Higher Secondary Education on 27.10.1997 and its tenure was expired on 26.10.2000, and after expiry of the tenure, no approved Governing Body was continued in the College till 30.11.2008. Therefore, the unapproved Governing Body was not competent, also has no authority to take a decision regarding the termination of service of the opposite party no.3. Once the authority is not competent and any order passed by the incompetent authority, is a nullity in the eye of law. Therefore, applying the said principle to the present context, the action taken by the unapproved Governing Body terminating the service of the opposite party no.3, who was continuing against the first post of Lecturer in History in Bahanaga College, Bahanaga, is absolutely without jurisdiction and therefore, the resolution so passed on dated 25.06.2008 by the incompetent Governing Body, terminating the service of the opposite party no.3, is void and non-existent in the eye of law. More so, the order so passed and the consequential order dated 15.07.2008 are nullity in the eye of law. Therefore, the order dated 05.12.2009 passed by the Director, Higher Education, Orissa, Bhubaneswar under Annexure-20, setting aside the Resolution of the Governing Body dated 25.06.2008 and directing to reinstate the opposite party no.3 in his former post by regularizing the period of absence as duty is hereby confirmed. In this view of the matter, this Court finds no illegality or irregularity committed by the Director, Higher Education, Orissa, Bhubaneswar warranting interference by this Court.”

[8] Mr. N. Ibotombi, learned senior counsel appearing for the petitioners submitted that in the order dated 23-10-2023 issued by the respondent No. 2, it has already been decided by the respondent No. 2 that election of new office bearers and Executive Council members of MOA is to be conducted on or before 30-11-2023 by Ex-Executive Council

members of MOA and as such, the Ex-Executive Council members of MOA was directed to conduct the election of MOA as per Bye-Laws of the Society and Manipur Societies Registration Act, 1989 and its rules. It has been submitted by the learned senior counsel that if an election is to be held, voters' list is to be prepared, date of holding election is to be notified, the Returning Officer is to be appointed and these necessary processes could not be done without holding any meeting of the MOA and therefore, it needs reasonable time to complete the said process. As the time fixed by the respondent No. 2 for holding the election of MOA was very short, the petitioners could not hold the election within the time stipulated by the respondent No. 2. Accordingly, after holding the emergency Executive Council meeting of the MOA, a resolution was taken that the Annual General Meeting with election of new office bearers and members of the Executive Council of MOA was fixed on 14-01-2024. It has also been submitted that the resolution taken by the Executive Council of MOA about holding of the Annual General Meeting of MOA was intimated to the respondent No. 2 and also requested the respondent No. 2 to depute two Observers from its office for attending the Annual General Meeting and election of new office bearers and members of the Executive Council of MOA. Subsequently, a meeting notice was issued by the Ex-Secretary General of the MOA and the Returning Officer was also appointed for conducting the election. It has been submitted that the whole process for holding the Annual General Meeting of MOA and election of new office bearers and Executive Council members of MOA was done by strictly following all the rules and regulations of MOA and the provisions of the

Manipur Societies Registration Act, 1989 and that the respondent No. 2 cannot usurp the power to be exercised by the MOA as respondent No. 2 has no power or authority under the Act and rules to cancel the meeting notice by issuing the impugned order.

[9] It has been submitted on behalf of the petitioners that the respondent No. 2 cancelled only the meeting notice dated 23-12-2023 without any authority of law and the respondent No. 2 never cancelled the result of the election as well as the proceedings of the Annual General Meeting of MOA. According to the learned senior counsel, the directions given by the respondent No. 2 under the impugned order dated 19-01-2024 for holding a fresh election for election of new office bearers and members of the Executive Council of MOA without cancelling the election result and the proceedings of the Annual General Meeting of MOA are not sustainable in the eye of law and as such, the impugned order dated 19-01-2024 is liable to be quashed and set aside.

It has been submitted that the respondent No. 2 has no jurisdiction or power under any law to cancel the meeting notice dated 23-12-2023 and that the impugned order had been issued arbitrarily and in colourable exercise of power and as such, the impugned order is liable to be quashed and set aside.

[10] The learned senior counsel further submitted that there is no provision either under the rules and regulations of MOA/ election rules of MOA or in the Manipur Societies Registration Act, 1989 and rules made thereunder as to who should hold the election after expiry of the term of the

earlier office bearers and Executive Council members of MOA. The learned senior counsel submitted that in the absence of any specific provision of law in this regard, the Executive Council of MOA, even after expiry of its term, can convene the Annual General Meeting of MOA for the purpose of holding of election of new office bearers and Executive Council members of MOA unless it is specifically barred under any applicable rules of the Association. As such, the action of the respondent No. 2 in cancelling the meeting notice dated 23-12-2023 by issuing the impugned order dated 19-01-2024 only on the ground that the said election notice had been issued by an Ex-Secretary General of MOA is arbitrary and cannot withstand the scrutiny of law. Hence, the impugned order is liable to be quashed and set aside.

[11] I have heard at length the rival submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record. In the present case, the respondent No. 2 had already issued an order dated 23-10-2023 holding that the election of new office bearers and Executive Council members of MOA is to be conducted by its Ex-Executive Council members on or before 30-11-2023 and also gave direction to the Ex-Executive Council members of MOA to conduct the election of MOA as per Bye-Laws of the Society and Manipur Societies Registration Act and rules made thereunder. The said order has not been cancelled or modified by any subsequent order and there is also nothing on record to indicate that the respondent No. 2 has changed or modified the decision taken by her in the said order dated 23-10-2023 by issuing another subsequent order. In view of such facts, this

court is of the view that the act of the respondent No. 2 in cancelling the meeting notice dated 23-12-2023 only on the ground that the same had been issued by an Ex-Secretary General of MOA, is unreasonable and arbitrary, specifically when no reason had been given or indicated by the respondent No. 2 in arriving at such conclusion or decision.

[12] There is also no specific provision as to who should hold the election of MOA after expiry of the term of the earlier office bearers and Executive Council members of MOA either in the rules and regulations/ election rules of MOA or in the Manipur Societies Registration Act, 1989 and rules made thereunder. In the absence of any such specific provision of law, in my considered view, the Ex-Office Bearers/ Executive Council members of MOA, even after expiry of their term, can convene the Annual General Meeting of MOA for the purpose of holding the election of new office bearers and Executive Council members specially when it is not specifically barred under any relevant law. There is also nothing on record to indicate that the process of election of new office bearers and Executive Council members of MOA had been done in violation of any provisions of the Rules and Regulations/ Election Rules of MOA or the Manipur Societies Registration Act, 1989 and rules made thereunder and as such, this court cannot agree with the submission made on behalf of the respondents that the meeting notice dated 23-12-2023 and the subsequent procedures taken in holding the election and also the election of new office bearers and Executive Council members are null and void ab-initio and non-est in the eye of law.

[13] Under Rule 8 of the rules and regulations of MOA, it is provided that election shall be held once in four years at the Annual General Meeting to elect the office bearers and Executive Council members. In view of the aforesaid provision, it will not be wrong to hold that the members of the Association can elect the office bearers and Executive Council members in the Annual General Meeting and in the present case, the election of the new office bearers and Executive Council members of MOA were approved in the Annual General Meeting of MOA held on 14-01-2024 and thereafter, the same had been intimated to the respondent No. 2 under cover of a letter dated 15-01-2024 by the Secretary General of MOA.

As the respondent No. 2 did not cancelled the proceedings of the said Annual General Meeting of MOA held on 14-01-2024 and the result of the election of the new office bearers and Executive Council members of MOA, the direction given by the respondent No. 2 in the impugned order dated 19-01-2024 for holding a fresh election of MOA is unreasonable and the same cannot be sustained in the eye of law.

I have also carefully perused the judgment cited by the learned senior counsel appearing for the respondents in the case of **Governing Body of Bhanaga College (supra)** and in my considered view, the facts and circumstances of the judgment is totally different from the facts and circumstances of the present case and as such, the said judgment is not applicable in the present case.

[14] Taking into consideration the facts and circumstances of the present case and also the relevant provisions of law, this court is of the

considered view that the respondent No. 2 had issued the impugned order dated 19-01-2024 arbitrarily and without any power or authority vested to her by law. Accordingly, the present writ petition is allowed by quashing and setting aside the impugned order dated 19-01-2024.

With the aforesaid direction, the present writ petition is disposed of. Parties are to bear their own costs.

JUDGE

FR / NFR

Devananda