



2026:AHC:205344

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7157 of 2026

Committee of Management, Tulsi Smarak Samiti and another
.....Petitioner(s)

Versus

The State of UP and 4 others
.....Respondent(s)

Counsel for Petitioner(s)	:	Kamla Singh, Vijay Shanker Singh
Counsel for Respondent(s)	:	Abhinava Krishna Srivastava, C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Smt. Kamla Singh, learned Counsel for the petitioners, Sri Sanjiv Singh, learned Senior Counsel assisted by Sri Deepak Chauhan for the State respondents and Sri Abhinava Krishna Srivastava for the caveator respondent.

2. The present writ petition challenges the order dated 13.11.2025 passed by respondent no. 2 in Appeal No. C2016000000680, whereby the order dated 21.07.2016 passed by the Assistant Registrar, Firms, Societies and Chits, Jhansi, concerning Registration No. 226/2001-2002, File No. J-14320, was set aside in exercise of appellate jurisdiction under Section 12-D(2) of the Societies Registration Act, 1860, as applicable in the State of Uttar Pradesh (hereinafter referred to as "the Act").

3. Since the controversy has factual overlap with Writ-C No. 45284 of 2025 and Writ-C No. 32493 of 2025, all the three writ petitions were heard together. However, each writ petition is being decided by a separate order, having regard to the distinct impugned orders and reliefs involved therein. The judgment in Writ-C No. 32493 of 2025 has been pronounced today, whereby the order dated 05.08.2025 cancelling the registration of the petitioner-Society bearing Registration No. 660 of 1985-86, File No. I-81998, under Section 12-D(1)(c) has been quashed.

4. The petitioner-Society, namely Tulsi Smarak Samiti, Bhagwati Niwas, Pan Dariba, Lucknow, was originally registered on 19.04.1955 under Registration No. 23/1955-56, File No. I-6691. In the same year, the State Government acquired approximately 15.30 acres of land at Rajapur, District Chitrakoot, for development of the birthplace of Goswami Tulsidas Ji and handed over the land to the petitioner-Society for its management and development. The land was thereafter recorded in the revenue records in the name of the petitioner-Society from 1955 onwards. The said recording has not been shown to have been successfully displaced in any proceedings brought to the notice of this Court.

5. Following the amendment relating to renewal of registration, the Society's registration was renewed for two-year periods commencing 10.10.1977 and 10.10.1979. No renewal was sought in 1981. An application was subsequently made on 01.01.1984, but by order dated 01.03.1985, the Deputy Registrar informed the Society that its registration had lapsed and that it had consequently become unregistered, requiring fresh registration. On a fresh application submitted by the then Secretary, Sri Manikchand Sharma, the Society was again registered on 12.06.1985 under Registration No. 660 of 1985-86, File No. I-81998, in the same name. The earlier Registration No. 23/1955-56, File No. I-6691, was cancelled with reference to the new registration (Annexure-2 to Writ-C No. 7157 of 2026).

6. The petitioner-Society thereafter continued to function and its lists of office-bearers were recognized from time to time. On 10.07.2000, Dr. Santosh Kumar Mishra, claiming to be its Manager, sought renewal of the registration. The application was opposed by the then Secretary, Sri Manikchand Sharma, and the Deputy Registrar, by order dated 15.11.2000, rejected Dr. Mishra's application and renewed the Society's registration on the application of Sri Manikchand Sharma.

7. Thereafter, on 23.07.2001, Dr. Santosh Kumar Mishra caused another Society to be registered before the Assistant Registrar, Firms, Societies and Chits, Jhansi, in the name Tulsi Smarak Samiti, Rajapur, District Chitrakoot, bearing Registration No. 226/2001-2002, File No. J-14320. Dr. Mishra was shown as Vice-President, while the District Magistrate, Chitrakoot, and the Sub-Divisional Magistrate, Mau, District Chitrakoot, were designated respectively as Ex-Officio Chairman and Ex-Officio Secretary. The Sub-Divisional Magistrate, Rajapur, acting as Ex-Officio Secretary, thereafter passed orders dated 22.11.2001 and 04.02.2002, which were challenged by the petitioner-Society in Writ-C No. 11200 of 2002. The writ petition was allowed on 30.05.2016, and the orders passed by the Deputy District Magistrate were set aside, this Court holding that the constitution of the Society with Government officers as its office-bearers was contrary to the U.P. Government Servants Conduct Rules, 1956 and the All India Services (Conduct) Rules, 1968.

8. In the meantime, the District Magistrate, Chitrakoot, acting as Ex-Officio Chairman of the newly constituted Society, submitted a report seeking cancellation of the registration of the petitioner-Society. Acting thereon, the Deputy Registrar, by order dated 11.12.2014, cancelled the petitioner's registration dated 12.06.1985 under Section 12-D(1)(c) of the Act and also cancelled the list of members and office-bearers for 2014-15. The petitioner-Society challenged the said action in Writ-C No. 68801 of 2014. By judgment dated 30.01.2015, this Court directed that the impugned order be treated as a show-cause notice and permitted the petitioners to submit their objections, thereafter the Deputy Registrar was directed to pass a fresh order in accordance with law.

9. Pursuant thereto, the Deputy Registrar, by order dated 09.07.2015, set aside the earlier cancellation and recognized the list of members and office-bearers of the petitioner-Society for 2014-15, thereby restoring its registration. Dr. Santosh Kumar Mishra challenged the said order before the Commissioner, Chitrakoot Division, Banda, who by interim order dated 13.08.2015 admitted the appeal and stayed operation of the order dated 09.07.2015. The petitioner-Society challenged that interim order in Writ-C No. 49393 of 2015, and this Court, by interim order dated 03.09.2015, stayed the Commissioner's order and restrained interference with the functioning of the petitioner-Society. Thereafter, its certificate of registration continued to be renewed and its lists of members and office-bearers continued to be recognized.

10. The petitioner-Society subsequently applied before the Assistant Registrar, Firms, Societies and Chits, Jhansi, for cancellation of the registration of the other Society (respondent no.4) bearing Registration No. 226/2001-2002, File No. J-14320. By order dated 21.07.2016, the Assistant Registrar cancelled the said registration under Section 12-D(1) (b) and (c), holding it to be in contravention of Section 3(2)(a) of the Act. The said order was challenged by respondent no. 5 by filing an appeal before respondent no. 2 on 29.07.2016. The Commissioner, Chitrakoot Dham Division, Banda, by order dated 13.11.2025, allowed the appeal, set aside the order dated 21.07.2016 and directed the District Magistrate to take over management of the property of the petitioner-Society. The said order is under challenge in the present petition being Writ-C No. 7157 of 2026.

11. Meanwhile, by order dated 10.08.2017, the Deputy Registrar changed the registered address of the petitioner-Society from Bhagwati Niwas, Pan Dariba, Lucknow to 755, Abhishek Eldeco Udhyan-I, Jail Road, Bungalow Bazar, Lucknow. Its registration was last renewed on 12.06.2020 for five years up to 11.06.2025, while its list of members and office-bearers continued to be recognized, the last such recognition being for 2023-24 on 07.03.2024.

12. Elections to the Committee of Management were held on 31.03.2024, and the election papers were forwarded to the Deputy Registrar on 10.05.2024. As the newly elected committee was not registered, the petitioners instituted Writ-C No. 39350 of 2024, in which this Court, by interim order dated 09.01.2025, called for a counter-affidavit from the State respondents and the matter remained pending.

13. As the renewal of registration became due on 11.06.2025, the petitioner-Society submitted its renewal application, along with the requisite fee, on 22.05.2025. During the pendency of the renewal proceedings, the Deputy Registrar, by letter dated 15.07.2025, called for a report from the Sub-Divisional Magistrate, Rajapur, who submitted his report on 26.07.2025. Relying upon the said report, the Deputy Registrar, by order dated 05.08.2025, cancelled the petitioner's registration under Section 12-D(1)(c) of the Act. The said order was under challenge in **Writ-C No. 32493 of 2025**.

14. During the pendency of the controversy concerning the registration of the Society, the District Magistrate, Chitrakoot, by order dated 25.07.2025, directed that the property relating to the petitioner-Society be vested in another governmental body. The said order has been challenged in **Writ-C No. 45284 of 2025**.

15. Learned Counsel for the petitioners submits that the impugned order dated 13.11.2025 is unsustainable as the Commissioner, while exercising appellate jurisdiction under Section 12-D(2) of the Act, has travelled beyond the controversy arising from the order dated 21.07.2016. It is submitted that the Assistant Registrar had cancelled the registration of the subsequently registered Society bearing Registration No. 226/2001-2002, inter alia, on the ground that its registration was contrary to Section 3(2)(a) of the Act, whereas the Commissioner, while setting aside the said order, has proceeded to direct the District Magistrate to take over management of the Rajapur property.

16. Learned Counsel for the petitioners further submits that the Commissioner failed to give due effect to the judgment dated 30.05.2016

passed by this Court in Writ-C No. 11200 of 2002, whereby the orders passed by the authorities in connection with the Society constituted with Government officers as office-bearers were set aside. It is submitted that the Chief Secretary, pursuant to the aforesaid judgment and subsequent proceedings before this Court, issued the circular dated 14.11.2024 directing Government officials not to interfere in the management of private societies contrary to the applicable service rules. According to the petitioners, the impugned order overlooks both the aforesaid judgment and circular.

17. It is also submitted that the Commissioner has proceeded on the assumption that the Rajapur land is Government property and has consequently directed its management by the District Magistrate, although the petitioners rely upon the revenue records showing the name of the Society from 1955 onwards. It is argued that the question of title or proprietary rights over the property could not have been finally determined in an appeal confined to the legality of cancellation of registration.

18. Learned Senior Counsel appearing for the State respondents, on the other hand, submits that the primary dispute concerns approximately 15.30 acres of land at Rajapur, which, according to the State, was acquired in the year 1955 for development of the birthplace of Goswami Tulsidas Ji and was entrusted to the original committee constituted for that purpose. It is submitted that the original committee subsequently ceased to function and that, after creation of District Chitrakoot, the District Magistrate constituted a committee for protection, maintenance and development of the property, which was registered on 23.07.2001.

19. Learned Senior Counsel further submits that the petitioner-Society is a subsequent registration and has no lawful connection with the original committee or the property in question. Reliance is placed upon the stand taken in the counter-affidavit that the registration bearing File No. I-81998 was obtained by misrepresentation and fraud and that the registration has already been cancelled by order dated 05.08.2025. It is

also submitted that substantial development activities have been undertaken at the Rajapur site through the governmental machinery and that the property is required to be protected and maintained in public interest.

20. Learned Senior Counsel appearing for the State respondents also submits that the petitioner cannot claim any proprietary right merely on the basis of registration under the Societies Registration Act and that the Commissioner was justified in considering the historical and governmental records concerning the Rajapur property.

21. Learned Counsel for the caveator respondent supports the impugned appellate order and submits that the Commissioner, upon consideration of the material on record, was justified in setting aside the order dated 21.07.2016 and in issuing consequential directions concerning management of the property.

22. Having considered the rival submissions and the material placed on record, the principal question which arises for consideration is whether the Commissioner, while exercising appellate jurisdiction under Section 12-D(2) of the Act in relation to the order dated 21.07.2016, was justified in setting aside the cancellation of Registration No. 226/2001-2002 and, consequentially, directing the District Magistrate to take over management of the Rajapur property.

23. The order dated 21.07.2016 was concerned with the registration of the Society bearing Registration No. 226/2001-2002. The Assistant Registrar, while passing the said order, recorded that registration of two societies with an identical name was impermissible in view of Section 3(2)(a) of the Act and further proceeded on the basis that the subsequent registration had been obtained by suppressing the existence of the earlier Society. On that basis, the Assistant Registrar cancelled the registration of the Society bearing Registration No. 226/2001-2002 under Section 12-D(1)(b) and (c). The said order was challenged in appeal under Section 12-D(2) of the Act.

24. The first question, therefore, is whether the conclusion reached by the Assistant Registrar that the subsequent registration was hit by the statutory prohibition contained in Section 3(2)(a) of the Act and was liable to be cancelled under Section 12-D could be said to be legally unsustainable. The material on record shows that the petitioner-Society had been registered earlier in the year 1955 and, after the lapse of its registration, was again registered on 12.06.1985 under Registration No. 660 of 1985-86 in the same name. Thereafter, on 23.07.2001, another Society came to be registered in the name “Tulsi Smarak Samiti, Rajapur, District Chitrakoot” under Registration No. 226/2001-2002, File No. J-14320. The subsequent registration was thus made in circumstances in which the existence of the earlier Society and its registration could not be treated as wholly unrelated or remote circumstances.

25. The chronology preceding the subsequent registration is also relevant. Dr. Santosh Kumar Mishra had, on 10.07.2000, sought renewal of the registration of the petitioner-Society, which application was opposed by its then Secretary, Sri Manikchand Sharma, and was rejected by the Deputy Registrar on 15.11.2000, while renewal was granted on the application of Sri Manikchand Sharma. Within the following year, another Society bearing the name Tulsi Smarak Samiti, Rajapur, District Chitrakoot, came to be registered on 23.07.2001, with Dr. Santosh Kumar Mishra as Vice-President and Government officers as Ex-Officio Chairman and Secretary. These circumstances lend support to the finding recorded by the Assistant Registrar that the subsequent registration could not be viewed independently of the earlier registered Society.

26. Section 3(2)(a) of the Act places a statutory restriction upon registration of a Society in circumstances where the proposed name is impermissible by reason of its identity or similarity with the name of an already registered Society. The Assistant Registrar applied the said statutory provision to the facts before him and came to the conclusion that the subsequent registration bearing No. 226/2001-2002 could not lawfully be sustained. The material placed before this Court does not

disclose any such error in the factual foundation of that conclusion as would justify holding that the Assistant Registrar acted without jurisdiction or on a wholly irrelevant consideration.

27. The further finding of the Assistant Registrar regarding suppression of the existence of the earlier Society also cannot be said, on the material placed before this Court, to be without any basis. The circumstances noticed hereinabove demonstrate that the subsequent registration was brought about notwithstanding the existence and continuing history of the earlier Society. The finding of suppression was a finding recorded by the statutory authority upon consideration of the material before it. No material has been shown which would justify this Court, in exercise of its jurisdiction under Article 226 of the Constitution, in holding that the said finding was perverse or so unsupported by the record as to warrant its being set aside.

28. It is, therefore, not a case where the Assistant Registrar cancelled the subsequent registration merely because a dispute existed between two groups claiming the same property. The order dated 21.07.2016 proceeded upon the statutory question concerning the validity of the subsequent registration itself, namely, whether the subsequent Society could lawfully have been registered in the circumstances attracting Section 3(2)(a) of the Act, coupled with the finding regarding suppression of the earlier registration. Those were matters directly falling within the statutory jurisdiction of the Assistant Registrar under Section 12-D.

29. The Commissioner, while exercising appellate jurisdiction under Section 12-D(2), was required to examine whether the conclusions reached by the Assistant Registrar on those statutory issues were sustainable. Instead, while setting aside the order dated 21.07.2016, the Commissioner has proceeded substantially on the premise that the Rajapur property was acquired by the State Government in the year 1955 and that its management should consequently remain with the State authorities. The said consideration, by itself, does not displace the

statutory basis on which the Assistant Registrar had cancelled Registration No. 226/2001-2002.

30. The legality of the subsequent registration under Section 3(2)(a) is a question distinct from the ultimate title to or ownership of the Rajapur property. The existence of a claim by the State in respect of the property, or the fact that the property may have been acquired for a public purpose, cannot by itself validate a registration which is otherwise prohibited by the Act. Equally, the registration of a Society under the Act does not, by itself, confer title to property. The Commissioner, therefore, fell into error in treating the question concerning the property as the principal basis for reversing the statutory conclusion reached by the Assistant Registrar concerning Registration No. 226/2001-2002.

31. The judgment dated 30.05.2016 passed by this Court in Writ-C No. 11200 of 2002 also does not justify the Commissioner's conclusion. The said judgment dealt with the participation of Government officials in the management of the concerned private Society and set aside the orders passed in that context. The said judgment may have a bearing upon the manner in which Government officials could participate in the affairs of a private Society, but it did not adjudicate the legality of Registration No. 226/2001-2002 under Section 3(2)(a) of the Act. Nor did it determine the title to or ownership of the Rajapur property. The Commissioner could not, therefore, rely upon the property dispute or the governmental character attributed to the property as a substitute for examination of the statutory basis of the Assistant Registrar's order.

32. The direction issued by the Commissioner requiring the District Magistrate to take over management of the Rajapur property suffers from an additional and independent infirmity. The appeal before the Commissioner arose out of the order dated 21.07.2016 concerning the cancellation of Registration No. 226/2001-2002. The appellate jurisdiction under Section 12-D(2) could not, without an independent statutory foundation, be converted into a proceeding for adjudication of title to or management of the property. No such independent statutory

basis has been disclosed in the impugned appellate order. The direction concerning management of the property was thus beyond the controversy which the Commissioner was required to adjudicate in the statutory appeal.

33. The position is further affected by the judgment pronounced today in Writ-C No. 32493 of 2025. The order dated 05.08.2025 cancelling the registration of the petitioner-Society bearing Registration No. 660 of 1985-86, File No. I-81998, has been quashed. The said judgment, however, does not operate as an automatic renewal or extension of the registration beyond 11.06.2025 and leaves the renewal application dated 22.05.2025 to be considered by the competent authority in accordance with law. Consequently, the cancellation order dated 05.08.2025 no longer survives, though the question of renewal after 11.06.2025 remains open. The subsequent quashing of that order also means that it cannot furnish an independent basis for sustaining the Commissioner's conclusion in the present proceedings.

34. On an overall consideration of the material, this Court finds that the conclusion reached by the Assistant Registrar in the order dated 21.07.2016 regarding the illegality of the subsequent registration bearing No. 226/2001-2002 cannot be said to suffer from such legal infirmity as would warrant its interference. The Assistant Registrar considered the existence of the earlier registered Society, the subsequent registration in the same or substantially identical name, the circumstances in which the subsequent registration was obtained and the allegation of suppression of the earlier registration. The statutory conclusion reached thereon under Section 3(2)(a) read with Section 12-D is not shown to be perverse, without jurisdiction or based upon irrelevant considerations.

35. The Commissioner, while setting aside the said order, has not demonstrated any legal error in the statutory conclusion reached by the Assistant Registrar. Instead, the appellate order proceeds principally upon the character of the Rajapur property and the perceived need for its management by the State authorities. Those considerations could not

furnish a lawful basis for setting aside the order dated 21.07.2016, particularly when the Commissioner was exercising appellate jurisdiction in a matter concerning the validity of Registration No. 226/2001-2002. The impugned appellate order, therefore, cannot be sustained.

36. The Commissioner's further direction requiring the District Magistrate to take over management of the Rajapur property is also unsustainable. The question of title, ownership, possession or other substantive civil rights in respect of the property has not been finally adjudicated in the present proceedings. The fact that the property is connected with a place of public or cultural importance, or that the State may assert an independent right therein, does not confer upon the Commissioner an appellate power under Section 12-D(2) to determine or transfer its management in the manner directed by the impugned order.

37. For the reasons aforesaid, this Court finds that the order dated 21.07.2016 passed by the Assistant Registrar does not warrant interference, whereas the appellate order dated 13.11.2025 passed by the Commissioner is legally unsustainable both because it fails to disclose a valid basis for reversing the statutory conclusion reached by the Assistant Registrar and because it travels beyond the controversy arising in the statutory appeal by directing the District Magistrate to take over management of the Rajapur property.

38. For the reasons aforesaid, the writ petition is allowed.

39. The order dated 13.11.2025 passed by respondent no. 2, the Commissioner, Chitrakoot Dham Division, Banda, in Appeal No. C2016000000680, arising out of the order dated 21.07.2016 passed by the Assistant Registrar, Firms, Societies and Chits, Jhansi, is hereby quashed.

40. Consequently, the order dated 21.07.2016 passed by the Assistant Registrar, Firms, Societies and Chits, Jhansi, cancelling the registration of the Society bearing Registration No. 226/2001-2002, File No. J-14320, shall stand restored.

41. The consequential direction contained in the order dated 13.11.2025 requiring the District Magistrate to take over management of the Rajapur property shall also stand quashed.

42. It is clarified that the restoration of the order dated 21.07.2016 is confined to the statutory consequences flowing from the cancellation of Registration No. 226/2001-2002. This judgment shall not be construed as an adjudication upon the title, ownership, possession or any other substantive civil right in respect of the Rajapur property. Any party claiming an independent right in the property shall remain at liberty to pursue the appropriate civil or statutory remedy available in law.

43. No order as to costs.

(Arun Kumar,J.)

September 30, 2026

Ranjeet Sahu