



2026:AHC:205325

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 32493 of 2025

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

Versus

The State of U.P. and another
.....Respondent(s)

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

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Advocate assisted by Smt. Kamla Singh 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 has been filed questioning the order dated 05.08.2025 passed by the Deputy Registrar, Firms, Societies and Chits, Lucknow Division, Lucknow, whereby the registration of the petitioner-Society bearing Registration No. 660 of 1985-86, File No. I-81998, has been cancelled in exercise of powers under Section

12-D(1)(c) 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. 7157 of 2026, 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.
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/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 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 in appeal before the Commissioner, Chitrakoot Dham Division, Banda, who, 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 **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 Societies Registration Act, 1860. The said order is under challenge in the present petition being **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. The learned Senior Counsel appearing for the petitioners submits that the impugned order is contrary to the statutory scheme as well as the principles of natural justice. It is contended that the Deputy Registrar, while passing the impugned order, relied upon the adverse report dated 26.07.2025 submitted by the Sub-Divisional Magistrate, Rajapur, District Chitrakoot, but the said report was never furnished to the petitioners. Consequently, the petitioners were denied an

effective and meaningful opportunity to controvert or rebut the allegations and findings contained therein.

16. It is further submitted that the impugned order proceeds on certain alleged irregularities in the historical records of the Society and on the differences between the office-bearers of the original Society and those who subsequently became its members and office-bearers, treating such discrepancies as constituting fraud or misrepresentation within the meaning of Section 12-D(1)(c) of the Act. According to the learned Senior Counsel, however, the impugned order does not identify any specific act of fraud or misrepresentation committed by any of the office bearers of the petitioner Society. The alleged non-compliance with Section 3-B of the Act at the time of its fresh registration on 12.06.1985, cannot constitute a valid basis for invoking the drastic power of cancellation under Section 12-D(1)(c) of the Act. It is, therefore, contended that the impugned order is legally unsustainable and has been passed in violation of the statutory scheme and the principles of natural justice.
17. It is also submitted that the observation of the Deputy Registrar that Sri Manikchand Sharma, who was allegedly neither a member nor an office-bearer of the Society as originally constituted in 1955, subsequently got the Society renewed in 1977 by representing himself as its Secretary, does not, by itself, establish any fraud or misrepresentation. It is argued that, during the intervening period of approximately twenty-two years, a person could have been admitted as a member of the Society and could thereafter have been elected or appointed as its office-bearer.
18. Per contra, the learned Senior Counsel appearing for the respondents opposes the writ petition, primarily contending that the petitioners have an alternative statutory remedy available under the Act against the impugned order. It is submitted that the Deputy Registrar had jurisdiction to examine the entire record relating to the

Society and to take appropriate action on the basis of the material available before him.

19. It is further contended that substantial discrepancies were found in relation to the original registration of the Society in 1985, coupled with the existence of another Society at Chitrakoot which was managing the same property. According to the respondents, these circumstances constituted sufficient grounds for the Deputy Registrar to initiate proceedings and pass the impugned order under Section 12-D(1)(c) of the Act.
20. The learned Senior Counsel further submits that the impugned order was passed after consideration of the relevant records and after affording the concerned parties an opportunity of hearing. It is also contended that the report submitted by the Sub-Divisional Magistrate, Rajapur, District Chitrakoot, disclosed circumstances indicating fraud in relation to the Society. According to the respondents, such findings, having been arrived at on the basis of the material available on record, ought not to be interfered with by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.
21. The principal issue which arises for consideration is whether the impugned order dated 05.08.2025 constitutes a lawful exercise of the power under Section 12-D(1)(c) of the Act, particularly having regard to the earlier order dated 09.07.2015, the subsequent renewals of registration, the material relied upon by the Deputy Registrar and the alleged fraud or misrepresentation on the basis of which cancellation has been ordered.
22. It is settled that a statutory authority exercising quasi-judicial functions possesses no inherent power of review. In **Dr. (Smt.) Kuntesh Gupta v. Management of Hindu Kanya Mahavidyalaya, Sitapur**, (1987) 4 SCC 525, the Supreme Court held that a quasi-judicial authority cannot review its own order unless such power is expressly conferred by the statute. The same principle was earlier

stated in **Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji**, (1971) 3 SCC 844. The principle is that the power to review is a creature of statute and cannot be assumed merely because an authority considers that its earlier decision requires reconsideration.

23. The aforesaid principle, however, does not by itself determine the controversy before this Court. Section 12-D of the Act confers an independent statutory power upon the competent authority to cancel the registration of a Society in the circumstances specified therein. Therefore, the existence of an earlier order concerning the same Society does not, by itself, extinguish the statutory power under Section 12-D.
24. At the same time, the statutory power of cancellation cannot be converted into an unrestricted power of review. If an authority seeks to unsettle a position which has existed for several years, it must demonstrate that the case falls squarely within the statutory grounds of cancellation. In other words, the earlier order dated 09.07.2015 does not create an absolute jurisdictional bar against every subsequent proceeding under Section 12-D; but a subsequent exercise of Section 12-D must independently satisfy the statutory requirements of that provision.
25. The order dated 09.07.2015 was passed pursuant to the judgment of this Court dated 30.01.2015 in Writ-C No. 68801 of 2014. By the said judgment, the earlier cancellation order dated 11.12.2014 was directed to be treated as a show-cause notice and the Deputy Registrar was required to consider the objections of the Society and pass a fresh order in accordance with law. Thereafter, the Deputy Registrar passed the order dated 09.07.2015, setting aside the earlier cancellation and recognizing the list of members and office-bearers for 2014-15.
26. It is also material that the order dated 09.07.2015 was subjected to further proceedings before the Commissioner, but the interim order dated 13.08.2015 passed by the Commissioner was stayed by this

Court on 03.09.2015. The material placed before this Court does not show that the order dated 09.07.2015 was subsequently set aside by any final adjudication. Thereafter, the registration of the petitioner-Society continued to be renewed, including renewal on 12.06.2020 for five years. This history is undoubtedly relevant while examining the legality of the subsequent cancellation, though it does not, standing alone, prohibit exercise of an otherwise valid statutory power under Section 12-D.

27. The respondents rely substantially upon the circumstances surrounding the registration of the petitioner-Society in the year 1985. The record, however, shows that the earlier registration of the Society had lapsed and that the Deputy Registrar, by communication dated 01.03.1985, informed the Secretary of the Society that the registration had lapsed and directed the Society to obtain fresh registration. Pursuant thereto, a fresh application was submitted and the Society was registered on 12.06.1985 under Registration No. 660 of 1985-86, File No. I-81998, in the same name. The earlier registration bearing Registration No. 23/1955-56, File No. I-6691, was cancelled with reference to the fresh registration.
28. The fact that the registration granted on 12.06.1985 was a fresh registration, rather than a renewal of the earlier registration, therefore cannot, by itself, be treated as an irregularity. The fresh registration was preceded by a specific communication of the Deputy Registrar requiring the Society to obtain fresh registration on the ground that its earlier registration had lapsed. The competent registration authority thereafter acted upon the fresh application and granted registration in the same name and on the basis of the Society's governing documents. The respondents have not pointed to any contemporaneous order, objection or proceeding showing that, at the stage of such fresh registration, any question had arisen as to whether the petitioner-Society was entitled to be registered.

29. The distinction assumes significance in the context of Section 3-B of the Act. The provision does not contemplate a reference to the State Government in every case in which an application for registration or renewal is made. It provides that “if any question arises” whether a Society is entitled to get itself registered in accordance with Section 3 or to get its certificate of registration renewed in accordance with Section 3-A, the matter shall be referred to the State Government. Thus, the statutory condition precedent for a reference under Section 3-B is the arising of a question concerning the entitlement of the Society to registration or renewal. Where no such question or dispute arises at the relevant stage, the provision does not, merely by reason of its existence, require an otherwise competent Registrar to make a reference to the State Government.
30. The authorities have, in appropriate cases, treated Section 3-B as mandatory where a question concerning the entitlement of a Society to registration or renewal has arisen. Where such a question arises, the Registrar cannot himself assume the jurisdiction vested in the State Government under Section 3-B. The statutory scheme, however, is materially different where no such question arises at the relevant stage. Section 3-B cannot be invoked retrospectively to invalidate a registration merely because, years thereafter, an authority forms a different view regarding the Society's entitlement, unless the statutory basis for such subsequent action is otherwise established.
31. The above interpretation finds support in *Muzaffar Hussain and Others v. Assistant Registrar, Firms, Societies and Chits, U.P., Meerut Region, Meerut*, 1987 (2) AWC 938, wherein this Court considered the scope of Section 3-B in the context of objections to registration. The Court held that, where specific objections are raised which cannot be discarded at the threshold as meaningless or untenable and such objections give rise to a question as to whether the society is entitled to registration, the Registrar is required to refer the matter to the State Government under Section 3-B and cannot himself assume the jurisdiction vested in the State Government. The decision thus

makes it clear that the statutory consequence under Section 3-B follows when a question concerning entitlement to registration or renewal actually arises; it does not dispense with the requirement of such a question arising in the first place.

32. In the present case, the respondents have not placed before this Court any material showing that, at the time when the fresh application was made in 1985, any question had arisen concerning the entitlement of the petitioner-Society to obtain registration so as to attract the statutory requirement of reference under Section 3-B. On the contrary, the sequence of events placed before the Court is that the Deputy Registrar first informed the Society that its earlier registration had lapsed and required it to obtain fresh registration; the Society thereafter submitted its application; and the competent authority granted fresh registration in the same name. No existing rival claim, objection or other material raising a question concerning the Society's entitlement to registration has been brought to the notice of this Court.
33. The subsequent conduct of the statutory authorities is also relevant. The registration granted on 12.06.1985 was not treated as a provisional or disputed registration. The Society continued to function under that registration, its lists of members and office-bearers were considered from time to time, and its registration was subsequently renewed. In particular, the registration was renewed on 12.06.2020 for a period of five years, and the list of members and office-bearers was thereafter recognized, the last such recognition being for the year 2023-24 on 07.03.2024. This subsequent statutory conduct does not by itself preclude action under Section 12-D, but it is relevant while examining the contention that the very registration granted in 1985 was inherently defective for want of a reference under Section 3-B.
34. It is, therefore, necessary to distinguish between a case in which a question concerning entitlement to registration actually arose and was

required to be referred under Section 3-B, and a case in which no such question arose and registration was granted by the competent authority upon a fresh application. In the latter situation, the mere absence of a reference under Section 3-B cannot, by itself, establish that the registration was obtained by fraud or misrepresentation. More particularly, where the fresh registration was granted pursuant to the direction of the Deputy Registrar himself, it would require specific material to demonstrate that the Society had made a false representation or had practiced fraud in obtaining that registration.

35. Section 12-D(1)(c), no doubt, confers an independent power upon the Registrar to cancel registration where the registration or certificate of renewal has been obtained by misrepresentation or fraud. The existence of this power means that a registration validly granted at an earlier point of time is not immune from subsequent cancellation if the statutory ingredients of clause (c) are subsequently established. But the mere fact that, according to a later assessment, a reference under Section 3-B might have been desirable or that the circumstances attending the 1985 registration could have been examined differently cannot, without more, satisfy Section 12-D(1)(c). The authority must identify the particular representation which was false or fraudulent, establish that such representation was made for the purpose of obtaining registration or renewal, and demonstrate the requisite nexus between the alleged misrepresentation or fraud and the grant of registration or renewal.

36. There is, however, an even more fundamental difficulty in the present case. During the pendency of the renewal proceedings, the Deputy Registrar called for a report from the Sub-Divisional Magistrate, Rajapur, on 15.07.2025, and the report was submitted on 26.07.2025. The impugned order dated 05.08.2025 was thereafter passed. The petitioners specifically contend that the said report was not supplied to them.

37. The respondents contend that an opportunity of hearing was afforded. But the existence of a hearing by itself does not answer the complaint if material adverse to the Society was subsequently obtained and relied upon without furnishing it to the Society. Where an authority relies upon an adverse report for recording a finding which has serious civil consequences, fairness ordinarily requires that the affected party be given access to that material and a reasonable opportunity to meet it.
38. The requirement assumes particular importance in the present case because the cancellation of registration is founded upon allegations relating to events several decades old, including the 1955 constitution, the 1977 renewal, the 1985 registration and the subsequent functioning of the Society. The report of the Deputy District Magistrate was thus not merely a formal or peripheral document; it formed part of the material relied upon for the adverse decision.
39. The decision of this Court in **Rakesh Kumar Gupta v. State of U.P. through Principal Secretary, Finance Department, Lucknow and Others**, Neutral Citation No. **2025:AHC-LKO:44701**, is relevant in this context. There too, cancellation under Section 12-D was interfered with where the statutory opportunity contemplated by the provision had not been effectively afforded and the finding of fraud was not adequately supported by the material disclosed in the order.
40. The earlier decision of this Court concerning the present Society, namely Writ-C No. 68801 of 2014, decided on 30.01.2015, is also significant. In that case, the cancellation under Section 12-D(1)(c) was interfered with on account of the failure to afford an effective opportunity of hearing, and the matter was remitted for fresh consideration after treating the cancellation order as a show-cause notice. That decision does not confer perpetual immunity upon the petitioner-Society from statutory action. It does, however, underline

the importance of strict compliance with the procedural safeguards when cancellation under Section 12-D is contemplated.

41. On the material presently before this Court, it has not been satisfactorily demonstrated that the adverse report dated 26.07.2025 was furnished to the petitioner-Society before the impugned order was passed or that the petitioners were afforded an effective opportunity to controvert the material contained therein. This constitutes a material violation of the principles of natural justice.
42. There is also a substantive deficiency in the impugned order. The authority has proceeded substantially upon circumstances surrounding the fresh registration of the Society in 1985 and upon the alleged absence of compliance with Section 3-B. But the material placed before this Court does not establish that, at the time when the fresh registration was sought in 1985, any question had actually arisen concerning the entitlement of the petitioner-Society to registration so as to attract the statutory requirement of reference under Section 3-B. On the contrary, the record, as noticed above, shows that the Deputy Registrar had himself informed the Society that its earlier registration had lapsed and had directed it to obtain fresh registration, pursuant to which the Society was registered afresh.
43. The absence of a Section 3-B reference in these circumstances cannot, by itself, establish fraud or misrepresentation. For cancellation under Section 12-D(1)(c), the authority was required to identify a specific false or fraudulent representation made by the Society and to establish that the registration of 12.06.1985 was obtained on the basis of such representation. Historical discrepancies, disputed membership or an administrative view formed decades later that the registration ought to have been dealt with differently cannot, without establishing that statutory nexus, constitute the fraud or misrepresentation contemplated by Section 12-D(1)(c).

44. The Court is conscious that it is not sitting in appeal over every factual conclusion of the Deputy Registrar. Nor is this Court required to undertake an independent reconstruction of the Society's history in exercise of jurisdiction under Article 226. But where the very statutory foundation of the cancellation is questioned, the Court is required to examine whether the essential jurisdictional and procedural requirements for exercise of the statutory power were satisfied. On that test, the impugned order cannot be sustained.
45. The availability of an alternative statutory remedy does not operate as an absolute bar where the impugned action suffers from violation of natural justice or a material statutory error. The present case involves both. The adverse material relied upon by the authority was not shown to have been furnished to the petitioner-Society, and the statutory basis for treating the historical circumstances as establishing fraud or misrepresentation has not been satisfactorily demonstrated.
46. For the reasons recorded above, this Court is of the considered view that the impugned order dated 05.08.2025 cannot be sustained. Accordingly, the writ petition is **allowed**. The order dated 05.08.2025 passed by the Deputy Registrar, Firms, Societies and Chits, Lucknow Division, Lucknow, cancelling the registration of the petitioner-Society under Section 12-D(1)(c) of the Societies Registration Act, 1860, is hereby quashed.
47. The petitioner-Society shall consequently stand restored to the position in law obtaining upon setting aside of the impugned order dated 05.08.2025. The quashing of the impugned order shall, however, not be construed as an automatic renewal or extension of the Certificate of Registration beyond 11.06.2025. The renewal application dated 22.05.2025, which was pending consideration when the impugned order was passed, shall be considered and decided by the competent authority in accordance with law.

48. It is clarified that this Court has not adjudicated upon any independent question of title, ownership or proprietary rights in respect of the property associated with the Society, nor upon any question which may fall for determination before a competent civil court. Likewise, nothing contained in this judgment shall prevent the competent statutory authority from taking such action as may otherwise be permissible under the Act, provided the statutory requirements are independently satisfied and the procedure prescribed by law, including the requirement of a fair opportunity to the affected party, is duly followed.

49. There shall be no order as to costs.

(Arun Kumar,J.)

September 30, 2026

Ranjeet Sahu