



2026:AHC:205321

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 45284 of 2025

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

Versus

The State of U.P. and 2 others
.....Respondent(s)

Counsel for Petitioner(s)	: Kamla Singh
Counsel for Respondent(s)	: C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard 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 challenges the order dated 25.07.2025 passed by the District Magistrate, Chitrakoot, whereby the property relating to the petitioner-Society was directed to be vested in, or placed under the management and control of, another governmental body.

3. The controversy has factual overlap with Writ-C No. 32493 of 2025 and Writ-C No. 7157 of 2026. All three writ petitions were heard together. Having regard to the distinct impugned orders and reliefs involved, they are being decided by separate judgments.

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.

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 fresh registration was required. 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.

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. Orders dated 22.11.2001 and 04.02.2002 passed by the Deputy Collector/Sub-Divisional Magistrate were challenged in Writ-C No. 11200 of 2002.

8. Writ-C No. 11200 of 2002 was allowed by judgment dated 30.05.2016. The Division Bench recorded that the Society was a non-government/private Society and examined the permissibility of Government officers functioning as office-bearers of such private bodies. It also held that the impugned orders could not be sustained as they had been passed by the Deputy Collector in his dual capacity as Deputy Collector and Secretary of the Society. The orders dated 22.11.2001 and 04.02.2002 were accordingly quashed.

9. 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 Societies Registration Act, 1860 and also cancelled the list of members and office-bearers for 2014-15. In Writ-C No. 68801 of 2014, this Court by judgment dated 30.01.2015 directed that the order be treated as a show-cause notice and required a fresh decision after considering the petitioners' objections.

10. 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. Dr. Santosh Kumar Mishra challenged that order before the Commissioner, Chitrakoot Division, Banda. The Commissioner's interim order dated 13.08.2015 was challenged in Writ-C No. 49393 of 2015, in which 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.

11. The petitioner-Society subsequently applied 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 that registration under Section 12-D(1)(b) and (c), holding it to be in contravention of Section 3(2)(a) of the Act. The appeal against the order dated 21.07.2016 was filed on 29.07.2016. By order dated 13.11.2025, the Commissioner allowed the appeal, set aside the order dated 21.07.2016 and also issued a direction to the District Magistrate entrusting management of the property of the petitioner-Society. That order has been challenged separately in **Writ-C No. 7157 of 2026**.

12. 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.

13. 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.

14. As renewal became due on 11.06.2025, the petitioner-Society submitted its renewal application along with the requisite fee on 22.05.2025. During pendency of the renewal proceedings, the Deputy Registrar called for a report from the Sub-Divisional Magistrate, Rajapur. The Deputy Registrar thereafter passed an order dated 05.08.2025 cancelling the petitioner's registration under Section 12-D(1)

(c) of the Act. The said order is challenged in **Writ-C No. 32493 of 2025**. By the separate judgment in that petition, being passed today, the order dated 05.08.2025 has been quashed.

15. Before the order dated 05.08.2025 came to be passed, the District Magistrate, Chitrakoot, by the impugned order dated 25.07.2025, directed that the property relating to the petitioner-Society be vested in, or placed under the management/control of, another governmental body. It is this order which is under challenge in the present petition being **Writ-C No. 45284 of 2025**.

16. Learned Counsel for the petitioners submits that the impugned order dated 25.07.2025 is wholly without jurisdiction. It is submitted that the District Magistrate has not been shown to possess any statutory authority under the Societies Registration Act, 1860, or under any other statutory provision, to divest the petitioner-Society of management or control over the property or to direct that the property be vested in or placed under the management of another governmental body. It is further submitted that the impugned order was passed without affording any opportunity of hearing to the petitioners and has the effect of adversely affecting their asserted rights in the property.

17. Learned Counsel for the petitioners further submits that the order proceeds upon disputed questions relating to the identity, registration and management of the societies and upon the alleged authority of the rival society constituted in the year 2001. According to the petitioners, those questions were already the subject matter of proceedings before the statutory authorities and this Court. It is also submitted that the Division Bench judgment dated 30.05.2016 in Writ-C No. 11200 of 2002 had noticed the private character of the Society and had specifically dealt with the participation of Government officers in its management. Reliance is also placed upon the subsequent directions issued by the Chief Secretary against interference by Government officials with private societies. It is further submitted that the District Magistrate could not, in the guise of administrative action, decide questions relating to the

management or control of the property which were already the subject matter of proceedings before the competent authorities and this Court.

18. Learned Senior Counsel for the State, on the other hand, submits that the land in question was acquired in the year 1955 for development of the birthplace and memorial of Goswami Tulsidas Ji and that the property is consequently connected with an object of considerable public, cultural and historical importance. It is submitted that the original Committee had ceased to function and that, in order to protect and develop the property, a committee headed by the District Magistrate was constituted and registered in the year 2001. Learned Standing Counsel further relies upon the subsequent development activities undertaken at the site and submits that the action of the District Magistrate was taken in the larger public interest and for proper management and development of the property.

19. It is further the case of the respondents that the petitioner's Society had subsequently been alleged to have obtained registration/renewal by misrepresentation and fraud and that its registration was cancelled by order dated 05.08.2025. It is submitted that, in view of the said order, the petitioners could not claim any subsisting right to manage the property. The effect and legality of the said order, however, fall for consideration in Writ-C No. 32493 of 2025.

20. The question which arises for determination is whether the District Magistrate, by the impugned order dated 25.07.2025, possessed authority of law to divest the petitioner-Society of the management or control asserted by it over the property and to direct its vesting or management in another governmental body.

21. The validity of the impugned administrative action must necessarily be tested with reference to the source of power under which it was taken. The Societies Registration Act, 1860, as applicable in Uttar Pradesh, creates a statutory scheme dealing, inter alia, with registration, renewal, cancellation, disputes concerning office-bearers and dissolution of societies. Section 12-D confers a specified power upon the Registrar to

cancel registration on the grounds and in the manner prescribed by the Act. The provision does not confer upon the District Magistrate a general power, merely because a dispute concerning registration or management of a Society exists, to take over or transfer the Society's property or its management. Nor has any provision of the Uttar Pradesh Shree Chitrakoot Dham Teerth Vikas Parishad Act, 2021, been shown to confer upon the District Magistrate the power exercised by the impugned order.

22. The statutory provisions relating to dissolution reinforce the above conclusion. Section 13-A contemplates an application for dissolution in the circumstances specified therein, while Section 13-B provides for dissolution by the competent Court. In particular, Section 13-B(2) enables the District Magistrate to apply to the Court for dissolution on the grounds specified in that provision. The power is thus to set the judicial process in motion; it is not a power to dissolve the Society or to deal with its property by an executive order. Further, where dissolution is ordered under Section 13-B, Section 13-B(3) provides that the necessary steps for disposal and settlement of the property, claims, liabilities and other affairs of the Society shall take place in the manner directed by the Court. The statutory scheme, therefore, does not disclose any independent power in the District Magistrate to vest or transfer the property of a Society to another governmental body merely because disputes concerning the Society or its management exist.

23. The constitutional position also furnishes an important limitation. Article 300-A of the Constitution provides that no person shall be deprived of his property save by authority of law. In **Bishambhar Dayal Chandra Mohan v. State of Uttar Pradesh, (1982) 1 SCC 39**, the Supreme Court held that executive action cannot, in the absence of authority of law, operate to deprive a person of property. In **K.T. Plantation Pvt. Ltd. v. State of Karnataka, (2011) 9 SCC 1**, the Supreme Court reiterated that deprivation of property under Article 300-A must have the authority of law and that the protection extends against executive action unsupported by such authority. The present case does not require this Court to determine the ultimate title to the Rajapur property. The principle is

relevant only to the extent that an executive order which purports to displace an existing legally asserted control or interest in property must be traceable to a valid source of legal authority.

24. The judgment dated 30.05.2016 in Writ-C No. 11200 of 2002 is also material to the controversy. The Division Bench treated Tulsi Smarak Samiti as a private/non-government body and quashed the orders then under challenge, inter alia, because the Deputy Collector had acted in the dual capacity noticed in that judgment. The precise effect of that judgment must, of course, remain confined to the issues actually adjudicated therein. Nevertheless, it is relevant in examining whether the mere association of Government officers with a rival Society or the existence of a public purpose connected with the Rajapur property can, without a statutory source of power, justify an executive assumption of management over the property.

25. The subsequent proceedings relating to the registration of the rival Society also cannot, by themselves, furnish a source of power for the impugned action. The order dated 21.07.2016 of the Assistant Registrar cancelling Registration No. 226/2001-2002 was the subject matter of an appeal filed on 29.07.2016, and the Commissioner's appellate order dated 13.11.2025 has separately been considered in Writ-C No. 7157 of 2026. The statutory appeal and the order passed therein do not, by themselves, create an independent jurisdiction in the District Magistrate to deal with the property in the manner directed by the impugned order.

26. There is, in addition, a material chronological circumstance. The impugned order of the District Magistrate was passed on 25.07.2025, whereas the Deputy Registrar's order dated 05.08.2025 cancelling the petitioner's registration under Section 12-D(1)(c) came ten days thereafter. Thus, on the date on which the District Magistrate passed the impugned order, the subsequent cancellation order did not exist. The said order dated 05.08.2025 has since been quashed in Writ-C No. 32493 of 2025. The consequences of such quashing, including the question of renewal, are governed by the judgment rendered therein.

27. The existence of disputes concerning the Society, its office-bearers or the Rajapur property does not, by itself, confer jurisdiction upon the District Magistrate to adjudicate competing civil rights or to substitute an administrative determination for adjudication by the competent forum. The property's association with a place of public or cultural importance may explain the concern of the district administration. However, such concern, by itself, cannot confer the statutory authority to pass an order affecting the civil and proprietary rights of the parties.

28. The material before the Court further indicates that civil proceedings concerning the property are pending. The absence or refusal of interim relief in such proceedings, if any, cannot enlarge the statutory jurisdiction of the District Magistrate. Nor can the executive authority, in the absence of a specific statutory power, assume the role of a forum for determining title, possession or proprietary rights.

29. The effect of the original acquisition, the legal significance of the subsequent revenue entries, the respective claims of title or possession, and any independent right asserted by the State or any governmental authority are matters which must be determined by the competent forum on the basis of the pleadings and evidence placed before it. Nothing contained in this judgment shall be understood as a declaration that the petitioner-Society has title to the property merely because of its registration or because of any revenue entry referred to in the record.

30. The adjudication in the present writ petition is, therefore, confined to the legality of the order dated 25.07.2025. On that limited issue, no statutory provision has been demonstrated before this Court which authorised the District Magistrate, in the circumstances obtaining on that date, to divest the petitioner-Society of management or control over the property and to direct that such property or its management be vested, transferred or taken over by another governmental body. The subsequent cancellation order dated 05.08.2025 cannot retrospectively supply a source of power for an order which had already been passed on

25.07.2025; and that cancellation order has in any event been quashed in the separate proceedings.

31. The impugned order is, therefore, unsustainable to the extent that it purports to divest the petitioner-Society of the management or control asserted by it over the Rajapur property or directs vesting, transfer or taking over of the property or its management by another governmental body. This conclusion is confined to the absence of demonstrated statutory authority for the impugned action and does not rest upon any adjudication of title.

32. The writ petition is accordingly allowed. The order dated 25.07.2025 passed by the District Magistrate, Chitrakoot, insofar as it purports to divest the petitioner-Society of management or control over the property in question or to direct its vesting, transfer or taking over, or the taking over of its management, by another governmental body, is hereby quashed.

33. It is clarified that this judgment shall not be construed as an adjudication upon title, ownership, possession or any other substantive civil right in respect of the Rajapur property.

34. The parties shall remain at liberty to pursue the pending civil proceedings and any other remedy available to them in accordance with law. Nothing contained in this judgment shall prevent any competent statutory authority or Court from taking action under a specific statutory power, if otherwise available, strictly in accordance with the applicable law and after complying with the conditions and procedure prescribed thereunder.

35. No order as to costs.

(Arun Kumar,J.)

September 30, 2026

Ranjeet Sahu