

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10982 of 2010

=====

Brinda Pathak S/O Late Shiv Poojan Pathak R/O 201/B, Mahavira Apartment, Near Jahazi Kothi, Kadamkuan, Patna 800003, Secretary Vishwa Bandhu Sansthan a Duly Constituted Society having its Administrative Office at 201/B, Mahavira Apartment, Near Jahazi Kothi, Kadam Kuan, Patna 800003

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary-Cum-Inspector General, Department of Registration, Govt. of Bihar, Patna
2. The Principal Secretary-Cum-Inspector General, Department of Registration, Govt. of Bihar, Patna
3. The Deputy Inspector General, Department of Registration, Govt. of Bihar, Patna
4. The Assistant Inspector General, Registration, Department of Registration, Govt. of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate

Mr. Gautam Kejriwal, Advocate

For the Respondent/s : Mr. Jainendra Kumar Sinha, AC to GA 6

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-02-2015

Heard the parties.

2. The petitioner is aggrieved by the letter/communication dated 27.03.2010 (Annexure-4) issued under the signature of the respondent no.4 whereby the prayer of the petitioner for registration of 'Vishwa Bandhu Sansthan' as a society under the meaning of Societies Registration Act, 1860 (in short "the Act") has been rejected.

3. Learned counsel appearing on behalf of the petitioner while assailing the validity and correctness of the impugned letter/communication, has submitted that the respondent no.4 has rejected the claim of the petitioner in a mechanical manner without application of his independent judicial mind to the facts of the case. It is also pointed out that the impugned order is

liable to be set aside on the ground that it is a non-speaking and cryptic order.

4. Leaned AC to GA 6, appearing on behalf of the respondents, has opposed the prayer by referring to the averments made in the counter affidavit filed on behalf of respondent nos. 1 to 4. However, Learned State counsel has not been able to dislodge the claim of the petitioner that the impugned letter/communication is a non-speaking order, and adequate reasons have not been recorded while rejecting the claim of the petitioner for registration of the Society in question under the provisions of the Act.

5. After having heard the parties, this Court is of the opinion that the matter requires re-consideration and a afresh decision. Evidently, the impugned letter/communication as contained in annexure-4 is a non-speaking order. Adequate reasons regarding issues of facts as also issues of law have not been indicated by the respondent no.4 while rejecting the claim of the petitioner.

6. In the result, the impugned letter/communication dated 27.03.2010 (Annexure-4) passed by the respondent no.4 is hereby set aside and quashed and the matter is remitted back to the respondent no.4 for passing a fresh order in accordance with law after giving an opportunity of hearing to the petitioner and all other necessary persons/body.

7. The petitioner is hereby directed to appear before the respondent no.4 with a certified copy of the present order within a maximum of four weeks from today and he shall produce all the relevant documents in support of his claim and thereafter the respondent no.4 or any other competent authority of the

respondent State shall pass a fresh order regarding the claim of the petitioner in accordance with law at an early date preferably within a maximum period of three months from the date of appearance of the petitioner.

8. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--