

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1128 of 2015

Anand Masih S/o Late T. Masih Aged About 75 years Residence - Beldarpara,
P.S. Champa, District Janjgir- Champa , Chhattisgarh.

---- Petitioner

Versus

1. Registrar, Firms And Societies (Work And Planning) 5/ Anupam Nagar,
Raipur, District Raipur, Chhattisgarh.
2. Chief Functionary, Bhartiya General Conference Mennonite Church at
PO Jagdeeshpur, Mahasamund, Chhattisgarh.
3. Station House Officer, P.S. Champa, District Janjgir- Champa,
Chhattisgarh.

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate.
For Respondents 1 and 3 / State	:	Shri R.K.Gupta, Dy.A.G.

Order On Board

03/07/2015

Heard.

The petitioner, who claims to be a member of registered society namely Bhartiya General Conference Mennonite Church, Jagdeeshpur, Mahasamund alleges that the office bearers of the Society are committing serious irregularities in exercise of their powers and functions, violating the bye-laws of the society. It is submitted that the petitioner and other members of the society made complaints to the higher functionaries, controlling affairs of the society as also Registrar, societies but till date no action has been taken.

2. The petitioner is a member of a society. There is no material on record to show that the society performed such powers and functions so that it can be termed as violation of statutory provisions. Therefore, in so far as functions of the society is concerned, no direction can be issued.

3. In order to invoke statutory powers of the Registrar to hold enquiry into the affairs of the registered society, there has to be an application in accordance with the provisions contained in Section 32 (2) of the Society Registration Act, 1973 (for short).

4. During the course of arguments, learned counsel for the petitioner argued that large number of members of the society have made complaints. However, there is no specific and clear pleading about the number of members, who made complaints which may constitute not less than one third of the total members of the society. Therefore, on the basis of material and pleading before this Court, I am not inclined to issue any direction to the Registrar to hold enquiry into the affairs of the society, under the Act of 1973. It would, however, be open for the petitioner to satisfy Registrar that the complaint has been made by such majority of members which fulfills the requirement of Section 32 (2) of the Act of 1973 so as to hold enquiry by invoking such powers under Section 32 of the Act of 1973.

5. With the liberty as prayed for, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge