

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 190 OF 2016

Rampyare Ramnami, S/o Shri Sukhram, aged about 60 years, R/o Village Jorapali, Post Office Kusumunda, Police Station Sarsinwa, District Balodabazar-Bhatapara, through its Sabhapati of Akhil Bhartiya Ramnami Mahasabha Office Pirda, P.S. and Tahsil- Malkhorda, District Janjgir-Champa (C.G.)

... Appellant

Versus

1. Firatram Ramnami, S/o Mangaram, aged about 52 years, R/o Village Khapari, Tahsil Navagarh, District Janjgir-Champa (C.G.)
2. The Registrar, the Firms and Institute of Chhattisgarh Indrawati Bhawan, Block 1, Third Floor, Naya Raipur, District Raipur (C.G.)
3. State of Chhattisgarh, through the Secretary, Commercial and Financial Department, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)

... Respondents

For Appellant	:	Mr. Vinay Pandey, Advocate.
For Respondent-State	:	Mr. Prafull Bharat, Addl. Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Deepak Gupta, C.J.

07/07/2016

1. This appeal is directed against the order dated 26.2.2016 passed in Writ Petition (C) No.508 of 2016 whereby the writ petition of the Appellant/Petitioner challenging the order dated 12.1.2016 passed in appeal by the State Government has been rejected.
2. Briefly stated facts of the case are that there is a society known as 'Akhil Bhartiya Ramnami Mahasabha' and the writ petitioner, appellant herein, was admittedly the President of the said Society. The elections were held on 10.10.2013 and the office bearers elected in this election were to remain in their posts for five years i.e., up to

11.10.2018. However, all the office bearers submitted their resignations and thereafter, according to the writ petitioner, fresh elections were held on 22.6.2014 in which he was again elected as President of the said Society along with other office bearers.

3. One Shri Firatram Ramnami, Respondent No.1 herein, also filed a return stating that fresh elections were held on 28.10.2014 and the office bearers elected therein were to remain in power to hold their posts till 19.10.2019. The list submitted by Shri Firatram Ramnami was totally different from the list submitted by the writ petitioner. The Registrar, Societies looked into the matter and found that the return filed by Firatram Ramnami was totally incorrect and decided the matter in favour of the writ petitioner, Rampyare Ramnami, and held that his election was valid.

4. This order of the Registrar, Societies dated 21.4.2015 was challenged by filing an appeal to the State Government under Section 40 of the Chhattisgarh Society Registrkaran Adhiniyam, 1973. The powers of the State Government were exercised by an officer of the rank of Secretary and this officer found that not only the return filed by Firatram Ramnami was improper and illegal but also found that the return filed by the writ petitioner was also totally incorrect and against the by-laws. A finding of fact has been given by him that as per the by-laws of the Society, a Patron was to pay a one time fee of Rs.1000/-; a life member was to pay a one time fee of Rs.500/- and an ordinary member was to pay fee of Rs.100/- and also to pay yearly subscription of Rs.1/-.

5. In the return filed by the writ petitioner, a large number of members were reflected to have shown to have paid only Rs.50/- as fee. When Rs.50/- is not prescribed as fee under the by-laws how could

elections have been held by collecting only Rs.50/- from the persons who were voting. Admittedly, Rs.50/- is not the prescribed fee in the by-laws. The fees for Patron is Rs.1000/-, for life member is Rs.500/- and for other members is Rs.100/-. On this ground, the officer exercising the powers of the State Government held that even the election of the writ petitioner was not proper and thereafter issued an order directing that the Registrar of Firms and Society will verify the list of members and after verification will prepare a list of members actually entitled to vote in terms of Section 32(1) of the Chhattisgarh Society Registrickaran Adhiniyam, 1973 within three months and thereafter election to be held within two months. He further directed that till fresh elections are held, an officer nominated by the Collector would supervise the functioning of the Society.

6. All that has been decided is that fresh elections be held after verifying the names of the members entitled to vote. This is necessary to ensure the purity of the election process and also to ensure that the person who is elected is actually elected by the persons who are entitled to be members of the society.

7. We therefore find no error in the order dismissing the writ petition.

8. The writ appeal is dismissed.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge