

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 508 of 2016

Rampyare Ramnami S/o Sukhiram, Aged About 60 Years R/o Village Jorapali, Post Office Kusmukunda, Police Station Sarsinwa District Baloda Bazar Bhatapara Throug Its The Sabhapati Of Akhil Bartiya Ramnami Mahasabha Office Pirada P.S. & Tahsil Malkharoda District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. Firatram Ramnami S/o Manaram, Aged About 52 Years R/o Village Khapari, Tahsil Navagarh District Janjgir Champa Chhattisgarh
2. The Registrar, Firms & Institute Of Chhattisgarh Indrawati Bhawan Block 1 Third Floor Naya Raipur, District Raipur Chhattisgarh
3. State Of Chhattisgarh Through Its The Secretary Commercial & Financial Department Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rekhraj Baghel, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2016

Heard on admission.

1. This petition is directed against order dated 12.01.2016 passed in appeal by the State Government by which, it has been held that the body constituted under the leadership of the petitioner is illegal and contrary to the provision of the Byelaws.

2. Learned counsel for the petitioner submits that the Registrar, Socieites vide his reasoned order dated 21.04.2015 clearly recorded

a finding that the Executive Body constituted under the leadership of the petitioner was duly constituted as per the provision of the Registration Act and the Byelaws applicable in the society. He submits that the State Government interfered with the said order and illegally and perversely recorded that the Constitution of the body is bad because the status of members have been changed. He submits that a person can change his status by paying a lower fee.

3. A perusal of the order passed by the State Government shows that in exercise of power of appeal which admittedly it has under the laws, found that the status of permanent and life member was changed by the Society contrary to its own Byelaws.

4. The Byelaws which have been placed on record show that one who has paid Rs.1000/- is entitled to be treated as patron (संरक्षक) member and one who has paid Rs.500/- is entitled to life membership. There is nothing in the Byelaws to show that the subsequently, status could be changed in the manner it was done in the present case. Moreover, the State Government has also noticed that recovery of fee is also not uniform. Considering the aforesaid irregularities, the Appellate Authority has recorded a finding of fact, based on material available on record that the Constitution of Executive body was illegal and has directed preparation of fresh list of members and elections.

5. The order does not suffer from any illegality so as to warrant interference by this Court. Therefore, I am not inclined to interfere with the order. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E