

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11612 of 2015

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Akhil Bhartiya Adhivakata Jagran Samiti through Founder and Secretary, Anil Prasad Singh, Advocate, Patna High Court, Resident of village + P.O.- Kadilpur, Block + Circle- Jandaha, District- Vaishali. Present Address- Mahaveer Colony (Near Mahaveer Mandir), Beur, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Inspector General of Registration, Bihar, Patna.
2. Joint Inspector General of Registration, Bihar, Patna.
3. Deputy Inspector General of Registration, Bihar, Patna.
4. Assistant Inspector General of Registration, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the State : Mr. Amit Prakash, G.A. 13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“1. That this is an application for issuance of the writ in nature of certiorari or any other appropriate writ/writs or order/orders or direction/directions to set aside the Departmental vide letter No. BS3-101058/2004-518 dated 22.07.2005 which was passed without complying /following the Rule 5 of the Bihar registration Society Rule 1965 (Annexure-21) and also BS3-10537/2012-347, Patna is dated 12.04.2012 (Annexure-21) without complying/following the order on 06.01.12 passed in C.W.J.C. No. 8287/2005 also without complying/following the Rule-5 of the Bihar Registration Society Rule 1965) by which the application for Registration of Adhivakta Jageran Samittee rejected Dismissed which is illegal bad in law and ultravines and this order was passed intentionally, deliberately and



willfully to Vex the petitioner twice whereby and where under the petitioner is much aggrieved.

Further this is an application for issuance of writ in nature of mandamus to direct the I.G. Registration, Bihar Patna (Respondent No. 1) to Register the Adhivakta Jageran Samiti on old and also direct the I.G. Registration, Bihar, Patna (Respondent No. 1) to Register Adhivakta Jageran Samiti (i.e. the on 17.07.09 Adhivakta Jageran Samiti) is extended to Adhivakta Jageran Samiti) under Registration Societies Act, 1860.”

3. The contention of the petitioner is that though it had applied for registration in the year 2004, the same was not registered by the competent authority under the Societies Registration Act, 1860 (hereinafter referred to as the ‘Act’) which compelled him to move this Court earlier in C.W.J.C. No. 8287 of 2005, which was disposed off on 06.01.2012, by a co-ordinate Bench of this Court with a direction to the Inspector General of Registration, Bihar, Patna to consider the application of the petitioner and pass an order in accordance with law without any further delay and preferably within six weeks from the date of receipt/production of a certified copy of the order. It appears that pursuant to the same, when the petitioner represented to the authorities in terms of the order of the Court, it was informed that under Letter No. 518 dated 22.07.2005, its request had already been turned down in view of there being six shortcomings in the application form. The same is under challenge in the present writ application.



4. Learned counsel for the petitioner submitted that under the relevant statutory Rules relating to registration of the Society within a certain period, the application filed for registration, if not found proper has to be returned but the same was never done and even when the Court was passing order on 06.01.2012 in C.W.J.C. No. 8287 of 2005, the said order dated 22.07.2015 was not brought on record. Learned counsel submitted that the said inaction on the part of the respondents should be seriously dealt with and cost imposed on them. It was submitted that the petitioner was never communicated or informed about the said order dated 22.07.2005 refusing registration. Learned counsel submitted that no documents were given by the authorities to him and he had to move under the Right to Information Act to get whatever information he has received. He further prayed that Rs. 25,00,000/- compensation be awarded.

5. Learned counsel for the State very fairly submitted that in view of Rule 5 of the Bihar Societies Registration Rules, 1965 (hereinafter referred to as the 'Rules'), if there was any shortcomings in the application, an opportunity was required to be given to the petitioner. He thus took a stand that if the petitioner files a fresh application rectifying all the defects and fulfilling the conditions required under the Act, the same shall be considered on its own



merits.

6. Upon hearing learned counsel for the parties, the Court does not find that any positive order can be passed in favour of the petitioner in the present writ application, at this stage. The law, as it stands, requires the fulfillment of certain condition pre-requisite for registering any Body or Organization under the Act. The impugned order enumerates six shortcomings. The Court is not sitting as an appellate authority with regard to the correctness of such deficiencies found in the form submitted by the petitioner. As far as the issue raised with regard to the delay and laches on the part of the State authorities, for which Rs. 25,00,000/- compensation is sought, the Court has no hesitation to reject the request outright. In 2012, this Court had directed the authorities to pass an order. However, it transpired that the order had already been passed in the year 2005 itself. If the petitioner had any grievance with regard to delay and wanted cost or compensation to be awarded, it was required to raise the point in C.W.J.C. No. 8287 of 2005, especially when the same was disposed off on 06.01.2012. The same not having been done, it is no more open to the petitioner, in the second round of litigation, to ask for compensation, for such delay, as the Court in its earlier order, by implication had condoned any delay and had directed for passing of the order and in fact had indicated that the same be done within a



period of six weeks. However, it transpired that already on 22.07.2005, an order refusing such registration had already been issued.

7. In such view of the matter, the writ petition stands disposed off.

8. However, if the petitioner is desirous of getting itself registered under the Act, it shall be free to do so by making a fresh application, in accordance with law, in terms of the requirements of the Act. If the same is done, the concerned authority shall ensure that a decision is taken expeditiously and the provisions of Rule 5 of the Rules is strictly adhered to.

(Ahsanuddin Amanullah, J.)

P. Kumar

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