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HIGH COURT OF CHHATTISGARH, BILASPUR

(Arising out of order dated 05.04.2018 passed in WPC- 860 of 2018 by the learned Single Judge)

WA No. 452 of 2018

- Chhattisgarh Diocese Board Of Education Through The Secretary, Wilsan Lal S/o Late Shri M. Lal, Aged About 61 Years, R/o Netaji Subhash Complex, Jarhabhata, District Bilaspur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Deputy Registrar, Firms And Soecities, New Raipur, District Raipur Chhattisgarh
2. Church Of North India Through Modarater Bishop P.C. Singh, C.N.I. Synod Delhi, 16th Panth Mar, CNI Bhawan, New Delhi
3. Chhattisgarh Diocese Board Of Education President/ Chairman Bishop Robert Ali, Opposites Raj Bhawan Gate No. 1, Civil Lines, Raipur, District Raipur Chhattisgarh

---- Respondents

For Appellant	:	Shri NK Shukla, Senior Advocate with Shri Awadh Tripathi, Advocate
For Respondent/ State	:	Shri JK Gilda, Advocate General with Shri YS Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

02.05.2018

1. We have heard the learned Senior counsel quite in *extensio*. We have also heard the learned Advocate General.
2. This appeal is against an interlocutory order issued by the learned Single Judge refusing to grant stay of the proceeding that is impugned in the Writ Petition.
3. The learned Single Judge has stated that since the dissolution of the Executive Committee of respondent No.3 has already taken effect by

order dated 22.02.2018, this is not a fit case for grant of interim relief. We see that reasons have been stated by the learned Single Judge to refuse the interim relief.

4. The appellant submits that it is a Society, registered under the provisions of the Chhattisgarh Society Registrations Act, 2001 and that supersession of a Committee could be done only by the State Government under Section 33 of that Act. The second respondent is obviously not a statutory authority. Therefore, while we do not find any ground to interfere with the impugned order refusing stay, it is necessary that *status quo* as on today shall be maintained regarding possession and management of the institution of the Writ Petitioner.

5. We clarify that we are issuing such an order while disposing of this Writ Appeal at the stage of admission without hearing the respondents to ensure that there ought to be some clarity regarding possession and management, thereby excluding possible feuds between rival groups. We also clarify that the said direction issued herein will be subject to any further orders that the learned Single Judge may pass from time to time; even contrary to what we have directed herein above.

6. This Writ Appeal is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge