

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1468 of 2017

In
Civil Writ Jurisdiction Case No.11612 of 2015

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Akhil Bhartiya Adhivakta Jagran Samiti Through the Founder And Secretary,
Anil Prasad Singh Resident of Village P.O.- Kadilpur, Block Circle- Jandaha,
Dist.- Vaishali, Present Address- Mahaveer Colony, Near Mahaveer Mandir,
Beur, Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
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 Appellant/s : Mr. Anil Prasad Singh (In Person)
For the Respondent/s : Mr. Ravindra Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 05-11-2019

Heard the appellant in person and the counsel for the

State.

The appellant has filed this appeal challenging the order
impugned bearing no. BS3-10537/2012-347, Patna dated
12.04.2012 by which the application filed for registration of the
society namely, Akhil Bhartiya Adhivakta Jagran Samiti has
been returned pointing out the five defects.

As per the appellant the said society was constituted for
the benefit of the lawyers and in pursuance thereof an
application was filed for registration of the same. He had



submitted the application with all requisites required and when no information was given, the appellant in person approached this Court in C.W.J.C. No. 8287 of 2005 which was disposed off by order dated 06.01.2012 giving direction to the Inspector General of Registration, Bihar, Patna to consider the application of the appellant in accordance with law without any further delay and preferably within a period of six weeks from the date of receipt/production of a certified copy of this order. In pursuance thereof the appellant filed representation before the authority concerned on 13.02.2012 and vide letter no. BS 3-10537/2012347 Patna dated 12.04.2012 the authority concerned rejected the registration of the above Samiti. Thereafter, the appellant demanded their original documents through RTI but when no documents were returned, the appellant approached the 1st Appellate Court and pending the application, the appellant approached this Court in C.W.J.C. No. 11612 of 2015 which has been disposed of on 04.09.2017.

It is submitted by learned counsel for the appellant that as per Rule 5 of the Bihar Registration Society Rule, 1965 if the application for registration was not in the proper form and any defects were there, in such circumstance, the Inspector General, Registration should have returned the Form along with the



original records pointing out the defects and again if the application was filed removing the defects the society may be registered. But though the order of non-registration of the society was communicated to the appellant, they have not returned the original records which the authority was obliged to return under Rule 5 of the Registration Act and without return of the original records, the defect could not be removed. The original record has been returned vide memo no. 1042 dated 03.09.2012.

The counsel for the State has pointed out from the information given under the RTI vide memo no. 518 dated 22.07.2005 through registered post that he was given information about the rejection of his application but the appellant submits that no such information was ever communicated to the appellant.

This is a disputed question of fact which cannot be considered in the present appeal. As on today pointing out the defects the original record has been returned to the appellant. The appellant, if so advised, may file the same or fresh application removing the defect and if such an application is filed the authority will examine the same and if the authority again finds defects they should return the application along with original



record for removing the defects and if the defects is removed, the authority will be obliged to consider the same in accordance with law.

The appeal is disposed off.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

