

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1480 of 2019

1. Chandra Prakash Chhabra S/o Late Shri Mangal Sen Aged About 60 Years R/o Punjabi Colony, Dayalband, Bilaspur, District Bilaspur, Chhattisgarh
2. Sanjay Saluja S/o Late Shri Rajendra Saluja Aged About 45 Years R/o Near Tuteja Coaching Centre, Panjabi Colony, Dayalband, Bilaspur Chhattisgarh.,
3. Inderjeet Saluja S/o Late Shri Budh Singh Saluja Aged About 65 Years R/o Near Dr. Ghosh Nursing Home, Tikrapara, Bilaspur, Chhattisgarh.
4. Pawan Ajmani S/o Late Shri Rooplal Ajmani Aged About 56 Years R/o Vishesh Traders, Jagmal Chowk, Bilaspur Chhattisgarh.
5. Rajesh Chhabra S/o Shri Idra Singh Chhabra Aged About 51 Years R/o Narayan Niwas, Dayalband, Bilaspur Chhattisgarh. ----- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.,
2. Registrar Firms And Societies, 3rd Floor, Block I, Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh
3. Assistant Registrar Firms And Societies, Bilaspur Division, New Composite Buiding, 2nd Floor, Collectorate Premises, Bilaspur, Chhattisgarh
4. Shri Gurunanak Education Society Bilaspur, Through Its Secretary, Dayalband, Bilaspur District Bilaspur Chhattisgarh.
5. Managing Committee Shri Gurunanak Education Society Bilaspur, Through Its President Dayalband, Bilaspur District Bilaspur Chhattisgarh. ----- **Respondents**

For Petitioners : Mr. Amrito Das, Advocate
For State/ Respondents No. 1 to 3 : Mr. Rahul Jha, G.A.
For Respondents No. 4 & 5 : Mr. Malay Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.05.2019

1. Heard.
2. The present petition has been filed by the members of Shri Gurunanak Educational Society, Bilaspur which is a society registered under the Chhattisgarh Society Registration Act, 1973.

3. Learned counsel for the petitioners would submit that few of the members of the Society by manipulation of records and the names of the members, conducted an election on 05.07.2015 and on the basis of such purported election, the President and the other members of the Society were elected. It is stated that according to the by-laws, the Managing Committee was to continue up-till three years from the date of their election and the by-law commands that the Managing Committee comprising of President, general body etc. are to be elected after every three years in the month of April on day of Baisakhi. He states that despite the election fell due after 04.07.2018, the election has not been conducted in respect of the Society of Guru Nanak Shikshan Sansthan, Dayalband, Bilaspur. Therefore, the State be directed to place an administrator to initiate the proceedings under Section 33 of the Act of 1973.
4. Reply has been filed on behalf of the State/ Respondents No. 1 to 3.
5. Learned counsel for the Respondents No. 4 & 5 i.e. the society prays for time to file reply.
6. Heard the parties. A perusal of the documents filed along with the petition. The by-laws of the Society mandates that there shall be a general body of the Society i.e. the Members and the Managing Committee has to be elected from the general body members after every three years in the month of April on 'Baisakhi' day with the majority of votes. The posts are also defined i.e. President, Vice President, Secretary, Joint Secretary, Treasurer and Executive members etc. With respect to earlier election, Annexure P-4 is the information, supplied to the State shows that the last election was held on 05.07.2015. The list of the office bearers which bears their signatures also purports the fact that they were elected for the period from 05.07.2015 to 05.07.2018. Therefore, admittedly it shows that the period of the office bearers has come to an end with

the efflux of time after 04.07.2018. It is not disputed that Respondents No. 4 & 5 is the State aided society.

7. Section 33 of the Act of 1973 gives power to State Government by an order in writing to remove the governing body and appoint a person/persons to manage the affairs of the society for a specified period. In the reply of the State, reference of an order dated 17.05.2016 passed in WPC No. 1341/2016 finds place which is purported to be a petition filed by Shri Guru Nanak Shikshan Sansthan, Bilaspur. The interim order passed would show that the said order was in respect of enquiry initiated by the Registrar in respect of certain averments made by Guru Nanak Shikshan Sansthan, Bilaspur. Certainly, the said order do not take within its sweep the continuation of the Managing Committee beyond the period of its tenure.
8. In these circumstances, as apparently it shows that the period of the Managing Committee has come to an end, it is directed that the State shall hold the election by appointment of an Administrator in respect of the Guru Nanak Education Society within a further period of 45 days. Since the Administrator is hereby directed to be appointed, he will be obliged to carry on day-to-day affairs of the society with smooth functioning and shall hold the election within 45 days from today. It is further made clear that the order passed in this writ petition shall not adversely affect the adjudication of WPC No. 1341/2016 and it would be without prejudice to the rights of the parties.
9. With such observations/ directions, the petition stands disposed of.

Sd/-
(**Goutam Bhaduri**)
Judge