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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 266 of 2019**

{Arising out of Order dated 06.05.2019 passed in Writ Petition (C) No. 1480 of 2019 by the learned Single Judge}

1. Shri Gurunanak Education Society, Bilaspur, Through Its Secretary, Dayalband, Bilaspur District Bilaspur Chhattisgarh.
2. Managing Committee, Shri Gurunanak Education Society, Bilaspur, Through Its President , Dayalband, Bilaspur District Bilaspur Chhattisgarh.

---- Appellants

Versus

1. State of Chhattisgarh Through the Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Registrar, Firms And Societies, 3rd Floor, Block I, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Assistant Registrar, Firms And Societies, Bilaspur Division, New Composite Building, 2nd Floor, Collectorate Premises, Bilaspur, District Bilaspur Chhattisgarh.
4. Chandra Prakash Chhabra S/o Late Shri Mangal Sen, Aged About 60 Years R/o Punjabi Colony, Dayalband, Bilaspur District Bilaspur Chhattisgarh.
5. Sanjay Saluja, S/o Late Shri Rajendra Saluja Aged About 45 Years R/o Near Tuteja Coaching Centre, Punjabi Colony, Dayalband, Bilaspur, District Bilaspur Chhattisgarh.
6. Inderjeet Saluja S/o Late Shri Budh Singh Saluja Aged About 65 Years R/o Near Ghosh Nursing Home, Tikrapara, Bilaspur District Bilaspur Chhattisgarh.
7. Pawan Ajmani S/o Late Shri Rooplal Ajmani Aged About 56 Years R/o Vishesh Traders, Jagmal Chowk , Bilaspur District Bilaspur Chhattisgarh.

8. Rajesh Chhabra S/o Shri Indra Singh Chhabra, Aged About 51 Years R/o Narayan Niwas, Dayalband Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Appellants	:Shri Rajeev Shrivastava, Advocate
For Respondent/State	:Shri Siddharth Dubey, Deputy Government Advocate.
For Respondents No. 4 to 8	:Shri Amrito Das, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, Judge

Judgment on Board

Sanjay K. Agrawal, J.

24/06/2019

1. Heard Shri Shrivastava, learned counsel for the Appellants, Shri Dubey, learned Deputy Government Advocate for the State/Respondents No. 1 to 3 and Shri Das, learned counsel for the Respondent No. 4 to 8.
2. Though, the matter is listed for admission, but with the consent of learned counsel appearing for the parties, the matter is finally disposed off at the admission stage.
3. This writ appeal has been preferred by the Appellants herein, calling in question the order dated 06.05.2019 passed by the learned Single Judge by which the writ petition filed by the private Respondents No. 4 to 8/ Petitioners has been allowed in part and the Respondent No. 1/State has been directed to hold the election of the Appellant-Society within a period of 45 days. The learned Single Judge has also directed to appoint Administrator to carry on the day-to-day affairs of the Appellant-Society till the elections are held.
4. The star submission which has been made by Shri Shrivastava, learned counsel for the Appellant while impugning the legality, validity and correctness of the order passed by the learned Single Judge is that though, they were served with a notice of the writ petition and on the date of passing

of the impugned order, time was sought for to controvert the facts pleaded in the writ petition stating valid grounds but no time was extended and the final order directing holding of election and appointment of the Administrator was passed which has a serious consequence on the personality of the Appellants-Society. By the impugned order, Appellant No. 1-Society stood superseded and the Administrator was directed to be appointed and elections were directed to be held, therefore, the impugned order is liable to be set aside.

5. Shri Dubey, learned Deputy Government Advocate for the State/ Respondents No. 1 to 3 would support the impugned order.
6. Shri Das, learned counsel for the Respondents No. 4 to 8 vehemently opposes the submissions made by Shri Shrivastava and submits that the learned Single Judge has rightly not shown indulgence to the Appellants herein as the Appellants herein failed to file any return within the stipulated time and hence, no further time was extended which is in accordance with law. Shri Das would also submit that the learned Single Judge has simply directed to hold the election in respect of the Appellant-Society within a period of 45 days by appointment of an Administrator which has even caused no prejudice to the Appellants and as such, no exception can be taken to the order passed by the learned Single Judge and the writ appeal deserves to be dismissed.
7. We have heard the learned counsel for the parties, considered the rival submissions made hereinabove and went through the records carefully.
8. It is true that on the date of passing of the impugned order, the Appellants sought time to file return which was denied by learned Single Judge and the final order was passed. Shri Shrivastava, learned counsel for the Appellant-Society would concede that they have no objection in holding election of the Society but he mainly disputes that the order superseding the Society has to

be quashed as it has been passed without giving an opportunity of hearing. Since the order appointing Administrator was passed without affording a reasonable opportunity to file counter-affidavit controverting the averment made in the writ petition, which is in breach of principles of natural justice and final order was passed superseding the Appellant No. 1-Society and further considering the submissions of learned counsel for the parties, we deem it appropriate to dispose off this writ appeal with the following directions:

- a) That, the Appellants shall hold the election of Society within a period of 45 days from today and such election will be over seen by the Assistant Registrar, Firms & Societies, Bilaspur/Respondent No. 3 herein, and shall ensure that the election is conducted strictly in accordance with law and rules applicable.
 - b) The part of order passed by learned Single Judge dated 06.05.2019 directing the appointment of the Administrator and supersession of the Society is concerned, shall remain stayed till the election is held and same shall be subject to election to be held as directed in foregoing paragraph.
 - c) The observation made by the learned Single Judge that the order passed in the writ petition shall not adversely affect the adjudication of Writ Petition (C) No. 1341 of 2016 and it would be without prejudice to the rights of the parties, the same shall remain intact.
9. With the aforesaid directions, order of learned Single Judge stands modified. The appeal stands disposed off leaving the parties to bear their own costs.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE