

09.10.2020

ss

W.P.A. 17639 of 2019
(Assigned)
(Through Video Conference)

Tapasil Jati Adibasi Praktan Sainik Krishi Bikash
Shilpa Kendra and anr.

Vs.

State of West Bengal & ors.

Mr. Tapas Kr. Sinha

Mr. B. N. Muni

... For the petitioners

Mr. Tapan Kr. Mukherjee, Ld. AGP

Mr. Shamim ul Bari

... For the State

Mr. P. S. Bhattacharya

Mr. Jaydeep Biswas

Mr. Soumyadeep Das

... for the respondent nos.12 & 13

Mr. Indranil Nandi

Mr. Manoranjan Maiti

Mr. Sayak Konar

... for the respondent nos.10 & 11

This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by action of the respondent authorities being the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal, in granting a renewal in favour of the petitioner society, that is, the petitioner no.1.

The facts of the case are that there is a dispute between the petitioner no.2 and the respondent nos.10 to 14. It transpires that suits have been filed by the

respondent nos.10, 11 and 12 in different civil courts, that are pending. In one of the suits, the petitioner no.2 has also made an application for addition of party.

The petitioner no.2 relies on an order passed by the Additional District Magistrate (General), Birbhum, dated December 13, 2017 wherein an order had been passed stating as follows:-

“ Considering the above mentioned facts and circumstances in nutshell, I, Dr. Uma Sankar S, IAS, Additional District Magistrate (General), Birbhum is of the opinion that none of the parties could establish their genuineness beyond doubt. So there is a necessity to establish the genuine office bearers by the competent authorities in the interest of the said Society and moreover the Public at large.

Since the matter is sub-judice, unless or until the issue is resolved at appropriate forum, no further renewal of the said society will be done from this end.”

The petitioner no.2 further submits that inspite of the order passed by the Additional District Magistrate (General), Birbhum, a renewal of the society was carried out on February 25, 2019.

The real dispute between the parties is with control of the society and the renewal of the registration is a process, that is required to be carried out as per the West Bengal Societies Registration Act, 1961. The issue, who will control the society, cannot be decided in this Writ

Court and furthermore, that the renewal of the society is being carried out by the appropriate authority under the terms of the Act is a different issue and cannot be intermingled with the dispute *inter se* the petitioner no.2 and the respondent nos.10 to 14.

In my view, the lis that has been brought before the Court in the form of the writ petition is not maintainable and the writ petitioners are at liberty to proceed before the civil courts in accordance with law.

The prayer made by the petitioners with respect to cancelling and/or revoking the new certificate of registration is not tenable at this stage. The certificate that has been issued is one that is required to be obtained under the Act of 1961 each year and has nothing to do with the dispute *inter se* the parties.

The writ petitioners shall be at liberty to proceed in accordance with law before the civil court and agitate their dispute with respect to control of the society therein.

With the above observations, this writ petition is disposed of.

Since no affidavit is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)