

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 568 of 2020**

Miki Memorial Trust A Trust Registered Under Cg Public Trust Act, 1951,
Through Its Trustee, Suresh Gupta, S/o Late Shri Rameshwar Prasad
Gupta, Aged 66 Years, Occupation Business R/o 46-51, Shankar Nagar,
Durg District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Public Trust,
Mahanadi Bhawan, Mantralaya, Naya Raipur, Atal Nagar, District Raipur
Chhattisgarh
2. Sub Divisional Officer Cum Registrar Public Trust Raipur, District Raipur
Chhattisgarh
3. Collector Raipur, District Raipur Chhattisgarh
4. Chief Engineer Public Works Department, Raipur, District Raipur
Chhattisgarh
5. Anti Corruption Bureau / Economic Offences Wing Through Station House
Officer, Police Station Anti Corruption Bureau / Economic Offences Wing,
In Front Of Jai Jawan Petrol Pump, Telibandha Road, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajeev Shrivastava with Mr. Ashish Shukla & Mr. Malay Shrivastava, Advocates
For State	:	Mr. S. C. Verma, Advocate General with Mr. V. R. Tiwari, Addl. AG & Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/02/2020**

1. The present writ petition has been filed seeking for following reliefs:-

(i) That, this Hon'ble Court may kindly be pleased to call for entire
records from respondent No.2 pertaining to enquiry of the complaint
made against the petitioner.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent No.2 to first supply the copy of complaint to petitioner and provide full opportunity of hearing to petitioner to submit reply with regard to the complaint received against the petitioner.

(iii) That this Hon'ble Court may kindly be pleased to quash the inquiry proceeding against the petitioner on a so called complaint received by respondent no.2 from respondent No.5.

(iv) That this Hon'ble Court may kindly be pleased to direct the respondents not to harass the petitioner and interfere with smooth running of MGM Eye Institute.

(v) That, any other relief which the Hon'ble Court deems fit and proper may also kindly be granted to the petitioners in the interest of justice along with costs of the petition.

2. Contention of the petitioner is that respondent No.2 in exercise of powers conferred upon Chhattisgarh Public Trusts Act, 1951 is harassing petitioners by time and again issuing notice after notice and information after information and in the process disrupting the smooth functioning of the hospital which is being run by the petitioner trust.
3. According to the counsel for the petitioner the entire action on the part of the respondent No.3 perhaps is on the alleged complaint submitted by the some 3rd person. Further grievance of the petitioner is that the said alleged complaint received by the respondent No.2 has not been supplied to the petitioner. That the petitioners are entitled to receive the same as they are bound to know as to what is the nature of complaint and allegation which have been made against the petitioner establishment.

4. Counsel for the petitioner submits that respondents have further ordered for an constitution of a Committee to valuate the movable and immovable properties of the petitioner trust MGM Eye Institute at Raipur. It is again a vindictive and arbitrary attitude on the part of the respondent.
5. Learned Advocate General appearing for the respondents submits that Registrar in the instant case have proceeded strictly in accordance with the powers that have been conferred upon him under Section 22 of the aforementioned Act of 1951. That the entire proceeding is only at the stage of enquiry/ inspection and that whatever action that respondent No.2 shall take shall be purely and strictly within the powers vested upon the respondent No.2 under Act of 1951. Learned Advocate General further drew the attention of the Court so far as to one of the defaults on the part of the petitioner establishment that is of not submitting the annual audit report for a period of 17-18 years and entire audit report for this entire period of 17-18 years was submitted in the year 2019. This fact has in fact been disputed by the learned counsel for the petitioner submitting that the institute has periodically submitted their audit reports and the said averments made by the Learned AG is incorrect and it can be duly verified from the records available with the office of the Registrar.
6. Considering the nature of relief sought for and submissions which have been advanced by either side that reflect is that it appears that respondent No.2 Registrar Public Trust Act has ordered for the inspection of the records of the MGM Eye Institute at Raipur and also wanted the movable and immovable properties of the said MGM Eye Institute subjected to valuation so far as to ascertain the actual value

of the property at the time of the establishing the institution as well as the present value of the institution.

7. Plain perusal of the Section 22 of the Act of 1951 clearly reflects that it is within the powers of the Registrar to enter upon and inspect any of the property belonging to a public trust. That the Registrar is also empowered for calling upon any of the books of account in possession of the trustee of the trusts. Power is also well conferred upon the Registrar to call in any of the returns, statements, accounts or report from the trustees. If in exercise of these powers on receiving certain information the petitioners are being called for the valuation of the movable or immovable properties of the trust the same cannot be said to be in excess of his jurisdiction. However, it is expected that subsequent to the petitioner trust furnishing all these informations or the Registrar collecting the information in the course of inspection. Registrar shall further proceed in accordance with the provisions of the Act of 1951 and before passing a final order it is expected to give a reasonable opportunity of hearing to the petitioner in accordance with the provisions of the Act.
8. It is expected that petitioners and trustees of this petitioner establishment shall be rendering fullest cooperation to the respondent No.2 in the aforesaid exercise.
9. While carrying out the powers conferred upon the Registrar, it is expected that due care shall be taken for the smooth functioning of the hospital ensuring that it does not come in the way of the smooth functioning of the hospital, though the respondent authorities themselves in their order dated 01.02.2020 Annexure P-20 have taken care of this fact.

10. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit