

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3127 of 2020

Santosh Kumar Jha, S/o. Bilat Jha, Aged About 45 Years, R/o. House No. H-2/24, Sarvodaya Residence Welfare Society (Chauhan Town), Nehru Nagar, P.S.- Nehru Nagar, Bhilai, Distt.- Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through- The Secretary, Department Of Commerce, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. Registrar Firms And Societies, Atal Nagar, Nawa Raipur, Chhattisgarh
3. Assistant Registrar, Firms And Societies, Division- Durg, MIG- 258, Housing Board, Padmanabhpur, Durg, Chhattisgarh
4. Sarvodaya Residence Welfare Society (Chauhan Town) Through- The Secretary, Nehru Nagar, P.S.- Nehru Nagar, Bhilai, Distt- Durg, Chhattisgarh
5. Smt. Sagarika Padhi, President, Sarvodaya Residence Welfare Society (Chauhan Town) Through- The Secretary, Nehru Nagar, P.S.- Nehru Nagar, Bhilai, Distt.- Durg, Chhattisgarh

---- Respondents

For Petitioner : Mr. N. Naha Roy, Advocate

For State : Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.12.2020

Heard

1. Learned counsel for the petitioner submits that the petitioner is expelled from the society by a communication dated 25.05.2020 for the reason that he was arrested in a criminal case on 15.05.2020. He submits that the petitioner was released on 10.08.2020 and thereafter, he had preferred an appeal under Section 40 of the Society Registration Act, 1973 on 18.11.2020 before the Registrar. He would submit that the said appeal is still not been decided, therefore, the Registrar may be directed to decide the appeal.

2. Sub section 2 of Section 40 of the Society Registration Act, 1973 purports that an appeal under sub-section (1) shall be filed within two months from the date of communication of the order. The petitioner appears to have addressed a communication to the Registrar, Firms & Societies which was submitted on 18.11.2020. Since, apparently it appears that no formate is existing for filing of the appeal, therefore, the Registrar may consider the communication after hearing all the necessary parties within a reasonable time. This Court has not expressed any opinion about the maintainability of the case.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks