

05.12.2022
Ct. 5
D/L 9
ab

WPA 15536 of 2021

Shambhu Dey

-Vs-

The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay,
Mr. Manoj Kr. Mondal,
Mr. A. Bandhopadhyay

... for the petitioner

Mr. Ujjal Datta

... for the respondent nos. 6 to 8

Although the petitioner has prayed for cancellation of a registration granted to the private respondent no. 6, being Ramgarh Shivmandir Unnayan Samity, Section 3 of The Societies Registration Act, 1860 read with Section 21 of The General Clauses Act, 1897 makes it clear that power to cancel the registration granted by the Registrar under the Societies Registration Act shall lie only with the Registrar of Firms and Societies. This is also as per the law laid down by several Courts including the Gauhati High Court in *AIR 2019 Gauhati 3 (Atowar Rahman Vs. State of Assam)*.

WPA 15536 of 2021 is disposed of with a direction on the Registrar of Firms and Societies and Non Trading Corporations to dispose of the Representation made by

the petitioner on 30th July, 2021 within a period of three weeks from date. Both the petitioner or his authorized representative and the private respondent shall be given a hearing before the said respondent disposes of the Representation. The Representation should be disposed of by passing a reasoned order which is also to be furnished to the petitioner or his authorized representative within a week from the date of passing such order.

It is made clear that this Court has not gone into the merits of the case.

(Moushumi Bhattacharya, J.)