

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9034 of 2021
(Through Hybrid mode)

Photographic Association of Odisha

Petitioner

Mr. Kshirod Kumar Rout, Advocate

-versus-

State of Odisha and others

Opposite Parties

Ms. Suman Pattanaik, AGA

Mr. Satya Narayan Mishra, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
23.11.2022

Order No.

10. 1. Mr. Rout, learned advocate appears on behalf of petitioner and submits, his client is an Association. By impugned order dated 17th July, 2020, his client's application for registration was dismissed by opposite party no.2. He draws attention to page 65 of Memorandum of Association in respect of opposite party no.3 and demonstrates that member no.2 having designation Vice-President does not have proper address. He submits, there are further irregularities but, in spite thereof, impugned order was made saying that because opposite party no.3 is with same name and already stands registered, his client cannot be registered as barred by section

3-A inserted by Odisha Amendment Societies Registration Act, 1860.

2. Ms. Pattanaik, learned advocate, Additional Government Advocate appears on behalf of State and in particular opposite party no.2 while Mr. Mishra, learned advocate appears on behalf of opposite party no.3, the already registered society. He points out, annexure-4 in the petition is letter from Under Secretary Registration to the ADM bearing registration dated 4th April, 2018 but signed by the Under Secretary on 24th February, 2018. He submits, this is obviously manufactured document. He submits further, petitioner, therefore, has not come with clean hands and the writ petition should be dismissed on that ground also.

3. Petitioner's prayer includes prayer for cancellation of registration granted to opposite party no.3, obviously to pave way for registration of petitioner. On query from Court Mr. Rout submits, section 12-D provides for cancellation or registration, also inserted by Odisha amendment.

4. Report from ADM, Cuttack was said in impugned order to be awaited. However, petitioner's application was dismissed because opposite party no.3, having same name, already stands registered. In view of discrepancies pointed out in Memorandum of Association of opposite party no.3, impugned order is set aside and quashed.

Petitioner's application is restored. Opposite party no.2 will revisit the application upon hearing petitioner and opposite party no.3. Petitioner may urge its ground seeking cancellation of registration in respect of opposite party no.3 and said opposite party will be heard in that regard. In event, opposite party no.2 comes to conclusion that registration of opposite party no.3 is to be cancelled, upon the cancellation it may proceed to further determine whether petitioner deserves to be registered.

5. With above directions the writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant

