

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.5345 of 2016
(Through hybrid mode)**

Subarnapur District Private Bus Owners Association ***Petitioner***

Mr. M.R. Dash, Advocate

-versus-

Day and Night Private Bus Services Owners Association, Sonepur and others ***Opposite Parties***

Ms. S. Patnaik, AGA
Mr. S.R. Subudhi, Advocate
Mr. S. Senapati, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
16.12.2022**

**Order
No.**

7.

1. Mr. Dash, learned advocate appears on behalf of petitioner association and submits, his clients stood registered under Societies Registration Act, 1860 as on 28th July, 2012. Inspite thereof, opposite party no.1 got registration on 9th February, 2016 at the same address. He refers to note sheet of the administration, to demonstrate that it was alive to opposite party no.1 seeking registration at the same address. Yet the registration was granted. Accordingly, impugned is registration certificate dated 9th February, 2016 of opposite party no.1.

2. Mr. Subudhi, learned advocate appears on behalf of opposite party nos. 1 and 2 and submits, his clients' society is a day and night bus operators society. Its scope of activity is different from petitioner, whose members operate buses in the district. As such, his clients were entitled to and got registration.

3. Mr. Dash in reply draws attention to paragraph-15 in the counter filed by opposite party nos. 4 and 5. Said opposite parties are the Additional Registrar of Societies and District Magistrate and Collector. The paragraph is reproduced below.

“15. That in reply to the averments made in paragraph-16 of the writ petition, it is humbly submitted that the opposite party no.2 was the president of previous registered society i.e. District Private Bus Owners Association and there after became the advisor of the same. No information has been received in the office of Opp. Party No.4 (A.D.M.) from the society “District Private Bus Owners Association” At/Po-Sonepur regarding change of Advisor from President within the stipulated time. As such the mandatory provision of Societies Registration Act, 1860 with amendment thereof have been violated.”

(emphasis supplied)

He submits, there is clear admission by the authorities that there has been violation of the Act.

4. Ms. Patnaik, learned advocate, Additional Government Advocate appears on behalf of opposite party nos. 4 and 5. Mr. Senapati, learned advocate appears on behalf of opposite party no.3 (Municipality).

5. It appears from the pleadings itself that there has been violation of the provisions in granting registration to opposite party no. 1. Registration certificate dated 9th February, 2016 of said opposite party is, therefore, set aside and quashed. This will not prevent said opposite party from obtaining registration in accordance with law.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

