

25.08.2025
Court No.13
Item No.15
pk

**FMA 953 of 2023
With
I.A. No. CAN 1 of 2023**

**Sri Shambhu Dey
Vs.
State of West Bengal and others**

Mr. Sanjib Bandyopadhyay,
Mr. Pritam Das

... For the Appellant.

Mr. Ujjwal Datta

... For the respondent nos. 6 to 8.

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque

... For the State.

1. The instant appeal is directed against an order dated 16.06.2023 passed by the Single Bench of this Court. The subject matter of challenge before the writ court was whether the society registered by the respondents under the Societies Registration Act was valid, and the refusal by the Registrar of the Societies to cancel the registration of the respondent society on the basis of the pendency of the civil proceeding between the appellant and respondents was the primary grievance of the appellant.

2. The learned counsel for the appellant submits that the society was registered in the year 2016. The appellant came to purchase the property in the year 2019. There are other facts with regard to the existence of the deity in the property, that are not relevant for the purpose of the instant adjudication.

3. The Single Bench was of the view that the Registrar was not competent to determine the substantial impropriety of the registration of the society and could only question the procedural impropriety in its registration. The said view appears to be based on the decision of the Supreme Court in the case of **Chen Khoi Kui Versus Liang Miao Sheng and others** reported in **(2023) 9 SCC 376**.

4. Admittedly, the respondents have filed a civil suit against the appellant for declaration of title to the property by way of adverse possession. The said suit was Title Suit No. 1336 of 2021 pending before the learned Additional Civil Judge (Junior Division) at Alipore. The respondents are in occupation of the property-in-question. They also claimed to have an electricity connection in the name of the society thereat.

5. The Single Bench was of the view that until the decision by a civil court is arrived at in the civil suit, the Registrar of the Societies has not committed any error in passing the impugned order. The appellant has not taken out any civil proceeding till date to seek eviction of the respondents or cancellation of registration of the respondents before the civil court.

6. In the backdrop of the above and considering the views of the Supreme Court in paragraph 90 of the decision of **Chen Khoi Kui (supra)**, this Court finds no reason to interfere with the impugned order.

7. In view of the above, the instant appeal is dismissed sustaining observations of the Single Bench. Consequently, connected pending application is also dismissed.

8. There will be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)