

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8020 OF 2024

Taekwondo Association of Maharashtra V/S The Assistant Registrar of Societies Greater Bombay Region & Anr.	Petitioner Respondents
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**WITH
INTERIM APPLICATION (STAMP) NO.11037 OF 2025
IN
WRIT PETITION NO.8020 OF 2024**

Taekwondo Association of Maharashtra IN THE MATTER BETWEEN Taekwondo Association of Maharashtra V/S The Assistant Registrar of Societies Greater Bombay Region & Anr.	Applicant Petitioner Respondents
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**WITH
WRIT PETITION NO.9476 OF 2024**

Taekwondo Federation of India V/S The Assistant Registrar of Societies Greater Bombay Region & Anr.	Petitioner Respondents
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Mr. Sushant S. Prabhune *for the Petitioners.*
Ms. A.A. Nadkarni, AGP *for Respondent No.1/State.*
Mr. Ganesh Gadhe with Mr. Vivek Chouhan *for Respondent No.2 through video conferencing.*
Mr. Vinod P. Sangvikar with Mr. Shubham S. Sonawale *for Intervener/Applicant in IA.*

CORAM: SANDEEP V. MARNE, J.
DATE : 7 APRIL 2025.

P.C.:

1. These two Petitions are filed by Taekwondo Federation of India (Writ Petition No.9476 of 2024) and Taekwondo Association of Maharashtra (Writ Petition No.8020 of 2024) challenging the orders dated 19 March 2024 passed by the Assistant Charity Commissioner-X, Greater Mumbai Region rejecting the applications seeking cancellation of registration of Respondent No.2 (India Taekwondo and Taekwondo Maharashtra) granted under provisions of Section 3 of the Societies Registration Act, 1860.

2. I have heard Mr. Prabhune, the learned counsel appearing for Petitioners, Mr. Gadhe, the learned counsel appearing for Respondent No.2, Ms. Nadkarni, the learned AGP appearing for Respondent No.1/State and Mr. Sangvikar, the learned counsel appearing for the Intervenor.

3. Both Mr. Gadhe and Mr. Sangvikar would raise preliminary objection about right of Shri Milind Pathare to file the present Petition on behalf of Taekwondo Federation of India and Taekwondo Association of Maharashtra. The Intervenor (Shri Sandeep Ombase) claims authority to represent Taekwondo Association of Maharashtra. In my view, considering the nature of challenge raised in the Petition as well as findings

recorded by the Assistant Charity Commissioner in the impugned orders, it is not necessary to go into the aspect of control and management of Taekwondo Federation of India and Taekwondo Association of Maharashtra.

4. Both Mr. Gadhe and Mr. Sangvikar would rely upon orders passed by Division Bench of this Court on 10 January 2023 in Writ Petition Nos.8792 of 2022 and 8684 of 2022 in support of their contentions that similar prayers raised before the Division Bench have already been rejected. It appears that Writ Petition No.8684 of 2022 was filed challenging affiliation granted to the Respondents therein. The issue of registration of Respondent No.2 was not involved in Writ Petition No.8684 of 2022. It appears that Writ Petition No.8792 of 2022 on the other hand sought cancellation of registration of the second Respondent India Taekwondo. This Court held that writ of mandamus could not be issued directing the authority to cancel registration of the second Respondent. This Court also held that the Petition involved factual disputes. This is how Writ Petition No.8792 of 2022 seeking cancellation of registration of second Respondent came to be dismissed. It appears that Writ Petition No.8792 of 2022 challenged registration of India Taekwondo whereas a separate Writ Petition No.8899 of 2022 challenging registration of Taekwondo Maharashtra remained pending. By order dated 9 January 2024, Division Bench of this Court granted liberty to the Petitioner to file an appropriate application before the

Registrar seeking cancellation of the registration granted to Taekwondo Maharashtra.

5. Accordingly Petitioner filed Applications before the Assistant Charity Commissioner seeking cancellation of registration granted to India Taekwondo and Taekwondo Maharashtra. He relied upon Full Bench judgment of Gauhati High Court, in which it is held that registration granted to a Society under Section 3 of the Societies Registration Act, 1860 can be cancelled by the Registrar himself. Full Bench of Gauhati High Court in ***Atowar Rahman Darog Ali vs. The State of Assam***, 2018 SCC OnLine Gau 1575 held in paragraphs 18 and 19 as under:

“18. To sum it up, we hold as follows:

(i) an order of cancellation of certificate of registration (CoR) that had been granted under section 3 of the Societies Registration Act, 1860, is an order within the meaning of “orders” under section 21 of the General Clauses Act, 1897 and that of section 23 of the Assam General Clauses Act, 1915.

(ii) an order of cancellation of certificate of registration (CoR) by the Registrar of Societies is neither a legislative nor a quasi-judicial order but purely an administrative order.

(iii) an order of the Registrar of Societies cancelling a certificate of registration on a complaint and after giving opportunity of hearing to the contending parties, is an act of expediency and not a quasi-judicial act dictated by rules.

(iv) the provision of section 21 of the General Clauses Act and/or section 23 of the Assam General Clauses Act, in the absence of an express power of cancellation of certificate of registration (CoR) under the Societies

Regulation Act, is available empowering the Registrar to order cancellation, as above.

19. For all the foregoing reasons we answer the reference by holding that:

(a) A society registered by the Registrar of Firms and Societies under section 3 of the Societies Registration Act, 1860 can be cancelled by such Registrar after registration and after affording opportunity of hearing to the party who may be affected.

(b) The decision rendered in *Sadou Asom Puthi Prakasak Aru Bikreta Sangtha vs. State of Assam*, reported in (2006) 1 GLR 395 to the effect that in the absence of any provision with regard to cancellation and/or withdrawal of the registration of a society registered under the Act the act of the Registrar to cancel or withdraw is ex-facie beyond jurisdiction and cannot be sustained, in our considered view, does not lay down the correct position of law.”

6. In my view therefore, dismissal of Writ Petition Nos.8684 of 2022 or 8792 of 2022 did not come in the way of Petitioner seeking cancellation of registration of India Taekwondo and Taekwondo Maharashtra before the Assistant Charity Commissioner. In fact in Writ Petition No.8899 of 2022 (Taekwondo Association of Maharashtra) Division Bench granted liberty to the Petitioner to move an application before the Registrar seeking cancellation of registration of Taekwondo Maharashtra, same position would obtain even with regard to India Taekwondo as well.

7. Coming to the merits of the orders dated 19 March 2024, it appears that the Assistant Charity Commissioner-X has failed to

apply his mind to the exact grievance raised by the Petitioners. Petitioners claim that under provisions of Section 3A of the Societies Registration Act, it is impermissible to grant registration to another entity bearing resemblance of name with other existing Society. This grievance of the Petitioners is apparently not decided on merits by the Assistant Charity Commissioner. In my view therefore, the proceedings deserve to be remanded before the Assistant Charity Commissioner for being decided afresh. All rights and contentions of parties on merits as well as about authority of Petitioner to represent Taekwondo Federation of India and Taekwondo Association of Maharashtra are expressly kept open.

8. The Petitions accordingly succeed partly. Orders dated 19 March 2024 passed by the Assistant Charity Commissioner are set aside.

9. The Applications preferred by the Petitioners are restored on file of the Assistant Charity Commissioner who shall proceed to decide the same afresh without being influenced by any of the observations made by this Court in the present order.

10. With the above directions, both the Petitions are **disposed of**.

11. In view of the disposal of Writ Petition No.8020 of 2024, nothing would survive in the Interim Application and the same is also accordingly **disposed of**.

(SANDEEP V. MARNE, J.)