

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 797 of 2019

Shri Keisham Bikram Singh, aged about 36 years old, S/o K. Maipakchao Singh, resident of Keirak Keisham Leikai, P.O. & P.S. – Kakching, District – Kakching, Manipur – 795133 at present President, Social Development Club, Keirak Keisham Leikai, Regd. No. 8 of 2018-2019, Kakching, 795133.

...Petitioner

- Versus -

1. The State of Manipur represented by the Secretary/Commissioner/Principal Secretary (Co-operation), Government of Manipur, Manipur Secretariat, South Block, Babupara, Imphal, Manipur – 795001.
2. The Registrar of Societies, Government of Manipur, Office of the Registrar of Societies, Lamphelpat, Imphal – 795001.
3. The Deputy Registrar of Societies, Office of the District Co-operative Officer, Kakching District, Kakching, Manipur – 795133.

...Respondents

**B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH**

ORDER

26.09.2019

[1] Heard Ms. Babita Th., learned Advocate appearing for the petitioner and Mr. Vashum, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the letter dated 29/05/2019 of the Registrar of Cooperative Societies, the

inquiry report dated 17/06/2019 and the letter dated 05/08/2019 of the Deputy Registrar.

[3.1] According to the petitioner, he is the President of the Social Development Club, Keirak Keisham Leikai, Kakching District which is a society registered under the provisions of the Manipur Societies Registration Act, 1989 (hereinafter referred to as “**the Act, 1989**”).

[3.2] The residents of the Keirak Keisham Leikai proposed to establish a club in the name and style “Social Development Club” and after the formalities being completed, it was duly registered vide Registration Certificate dated 12-04-2018. After a about a year, Shri H. Bhumeswar Singh, the President of Youth Development Association, Keirak Maning Leikai, Kakching District submitted an application to the Registrar of Societies, Manipur for cancellation of the registration of the “Social Development Club” on the grounds mentioned therein. On the strength of the said application, the Registrar of Societies, Manipur issued an order dated 29/05/2019 for holding an inquiry and three persons whose names were mentioned therein, were assigned the task of conducting the enquiry.

[3.3] The inquiry was conducted by them and a report dated 17/06/2019 thereof was submitted to the Registrar of Societies, Manipur. After receipt of the report, the Registrar of Societies addressed a letter dated 26/06/2019 to the Deputy Registrar of Societies, Kakching directing him to look into the matter as to how the laid down procedure was not followed during the course of registration and if found genuine on the violation, the process of de-registration be initiated. In reply to the said letter, the District

Cooperative Officer, Kakching addressed a letter dated 08/07/2019 to the Registrar of Societies, Manipur giving clarification as regards the process. Thereafter, on 05/08/2019, the Deputy Registrar, Office of the Registrar of Societies, Manipur addressed a letter to the Deputy Registrar of Societies, Kakching advising him to proceed for de-registration of the “Social Development Club”, Keirak Keisham Leikai which is followed by a letter dated 16/08/2019 of the District Cooperative Officer, Kakching.

[4] The grievance of the petitioner is that during the course of inquiry and prior to that, no notice was given to the club for holding the said inquiry, even though the petitioner being a fateful citizen, participated in the inquiry. Such an enquiry is contemplated in Section 22 of the Act, 1989 which provides for investigation of affairs of a society. Although a specific provision of the Act, 1989 under which the inquiry was held, has not been mentioned in the order dated 29/05/2019, the fact remains that the inquiry was held and a report thereof was submitted. But Section 23 of the Act, 1989 provides that when the inquiry has been held under Section 22, the Registrar may, if he is satisfied, cancel the registration of the Society provided the procedures as prescribed therein have been followed. In other words, the cancellation of the registration is permissible but it shall be done only after the conditions made therein have been fulfilled including the conditions for the cancellation of a Society. One of the conditions, is that the Society ought to be given opportunity. It has been submitted by Ms. Babita Th., the learned counsel appearing for the petitioner that after the report having been submitted, no notice is given to the society, even

though appropriate steps have been taken by the authorities for the purpose of de-registration of the “Social Development Club”, Keirak Keisham Leikai, Kakching District.

[5] Mr. Vashum, learned Government Advocate appearing for the respondents submits that only the internal correspondences between the offices/ departments have been questioned in this writ petition and since no order of cancellation has been issued by the Registrar of Societies, Manipur, the writ petition is premature and it shall not be entertained by this Court. On perusal of the materials placed on record, his contention appears to be correct to that extent.

[6] In view of the above, the instant writ petition stands disposed of with the direction that before any order of cancellation of registration or de-registration is issued by the Registrar of Societies, Manipur in respect of the “Social Development Club”, the conditions as prescribed in Section 23 of the Act, 1989 shall be fulfilled by it and in particular, the requirement of giving an opportunity to the society before its cancellation, shall be fulfilled. In case the order of cancellation of registration or de-registration has already been issued by the Registrar of Societies, Manipur, it is open to the petitioner to question it before the appropriate forum, including this Court, in accordance with law.

JUDGE

Victoria

WAIKHO
M TONEN
MEITEI

Digitally signed
by WAIKHOM
TONEN MEITEI
Date: 2019.09.27
15:10:48 -07'00'