

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1151 of 2020

Sri Ram Krishna Seva Sangh, a society registered under the Societies Registration Act, having its office at Sector-2, Dhurwa, P.O.- Dhurwa, P.S.- Jagarnathpur, District- Ranchi through its Secretary-cum-Manager Sri Abhay Kumar Mishra

..... ... Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi
2. The Secretary, Society Registration, Ranchi
3. Bipra Bhal, presently posted as Inspector General of Registration, Society Registration, Ranchi
4. Rajesh Ekka, presently posted as Assistant Inspector General of Registration, Society Registration, Ranchi
5. The Deputy Commissioner, Ranchi
6. The Sub-Divisional Officer, Ranchi
7. Alok Kumar Sinha
8. R.D. Bhattacharjee
9. Sukrit Bhattacharjee
10. The Inspector General of Registration, Government of Jharkhand, Ranchi
11. The Assistant Inspector General of Registration, Government of Jharkhand, Ranchi
12. HDFC Bank, Main Road, Ranchi
13. Bandhan Bank, Main Road, Ranchi

..... Respondents

With

W.P.(C) No. 1094 of 2020

Ranendra Deb Bhattacharya Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi
2. The Principal Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, Ranchi
3. The Inspector General of Registration, Societies Registration Act, having its office at Dhurwa, Ranchi
4. The Deputy Inspector General of Registration, Societies Registration Act, Dhurwa, Ranchi
5. The Deputy Commissioner, Ranchi
6. The Sub-Divisional Officer, Ranchi
7. Sukrit Bhattacharjee
8. Abhay Kumar Mishra

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners : Mr. Ajit Kumar, Sr. Advocate
Mr. Manoj Kumar Choubey, Advocate
[W.P.(C) No. 1151 of 2020]
Mr. V.P. Singh, Sr. Advocate
Mr. Rajiv Ranjan Tiwari, Advocate
[W.P.(C) No. 1094 of 2020]

For the State	: Mr. Amitesh Kumar Geasen, A.C. to A.A.G.-IA [W.P.(C) No. 1151 of 2020]
	Mr. Ajay Kumar Jha, A.C. to G.P.-VI [W.P.(C) No. 1094 of 2020]
For the Resp. No. 8	: Mr. Rajiv Ranjan Tiwari, Advocate [W.P.(C) No. 1151 of 2020]
For the Resp. Nos. 7 & 9	: Mr. Mahesh Tewari, Advocate [W.P.(C) No. 1151 of 2020]
For the Resp. No. 7	: Mr. Mahesh Tewari, Advocate [W.P.(C) No. 1094 of 2020]
For the Resp. No. 12	: Mr. Ashish Jha, Advocate [W.P.(C) No. 1151 of 2020]
For the Resp. No. 13	: Mr. Mayank Mohit Sinha, Advocate [W.P.(C) No. 1151 of 2020]

CAV On 26.07.2023

Rajesh Shankar, J. :

Pronounced on 31.08.2023

Both the writ petitions have been filed for quashing the order dated 28.02.2020 passed by the Inspector General of Registration, Jharkhand (the respondent no.-10 of W.P.(C) No. 1151 of 2020] whereby the 'certificate of amendment' in executive committee (office bearers as well as other members of the executive committee) of 'Sri Ramkrishna Seva Sangha' (hereinafter to be referred as "the Society") has been issued in favour of Sukrit Bhattacharjee (the respondent no.9 of W.P.(C) no. 1151 of 2020) and others in exercise of the power conferred under the Societies Registration Act, 1860 (in short, "the Act, 1860").

2. Since the common issue is involved in both the writ petitions, the same have been heard together and are being disposed of by this common order treating W.P.(C) No. 1151 of 2020 as a lead case in which the petitioner of W.P.(C) No. 1094 of 2020 has also been arrayed as respondent no.8.

3. Mr. Ajit Kumar, learned senior counsel appearing on behalf of the petitioner of W.P.(C) No. 1151 of 2020, submits that the Society was registered in the erstwhile State of Bihar on 20.02.1965 under the Act, 1860 vide Registration No. 46 of 1964-65. The aim and object of the Society is to impart and promote the study of 'Vedanta' and its principles as propounded by Sri Rama Krishna Paramhans as well as Swami Vivekanand. The Society also runs a school namely Vivekanand Vidya Mandir (VVM), Sector-II, Dhurwa, Ranchi. In the year 2008, Alok

Kumar Sinha (the respondent no. 7), who was only a member of the Society, illegally called an annual general meeting of the Society on 02.11.2008 and got himself elected as President of the same. On the same day, he called an Extraordinary Executive Committee Meeting of the Society in which 73 new members including Abhay Kumar Mishra i.e., the Secretary-cum-Manager of the petitioner-Society were enrolled by him. It is further submitted that the Society was re-registered in the State of Jharkhand vide registration no. 851/2008 dated 09.12.2008 and at that time, Om Prakash Saran was the President of the Society whereas Kashi Nath Mukherjee and Ranendra Deb Bhattacharjee (the respondent no. 8) were Vice-President and Secretary respectively. It is also submitted that in the annual general body meeting held on 06.07.2014, Alok Kumar Sinha (the respondent no. 7) was again elected as President whereas Kashi Nath Mukherjee and P.N Roy were elected as Secretary and Treasurer respectively along with other executive members.

4. Learned senior counsel for the petitioner further submits that the annual general body meeting for the year 2015-16 was notified to be held on 07.06.2015 by the then Secretary-Kashi Nath Mukherjee in which new executive committee was constituted and Abhay Kumar Mishra was elected as Secretary. Accordingly, the charge was handed over to the new executive committee on 15.06.2015. Thereafter, several meetings were held by the new executive committee and the persons namely Smita Dey, Tushar Kanti Sheet and Tanmay Mukherjee, who are claiming themselves as Secretary, Assistant Secretary and Treasurer by virtue of impugned order dated 28.02.2020, had also signed the minutes of the said meetings. It is also submitted that in the 57th executive committee meeting held on 16.07.2017, 89 members were added as ordinary members as was resolved in the 56th executive committee meeting held on 19.02.2017. The annual general body meeting for the year 2017-18 was scheduled to be held on 03.09.2017, however due to some unavoidable circumstances, the same was deferred for three months. The letters were issued to all the members of the Society on 11.09.2017 for submission of photographs so as to

issue identity cards but all the members refused to do so which reflected that they did not want free and fair election of the Society.

5. It is further submitted that after completion of three months, reminder notice was issued on 11.01.2018 by the Secretary of the petitioner-Society to all the members informing them that the annual general meeting of the Society was scheduled to be held on 28.01.2018. However, the respondent no. 7, vide letter dated 15.01.2018 (Annexure-15 to the writ petition), informed the Secretary of the petitioner-Society that pursuant to requisition note duly signed by 54 members of the Society, an Extraordinary General Body Meeting would be convened on 04.02.2018 and requested him to participate in the same. Immediately after receipt of the said letter, a reply was sent by the Secretary of the Society to the respondent no.7 on 22.01.2018 (Anneuxre-16 to the writ petition) stating that he was not authorized to notify for convening any general body meeting. However, the respondent no.7, vide his letter dated 27.01.2018, requested the Principal, Vivekanand Vidya Mandir (VVM) to make necessary arrangement for the meeting scheduled to be held on 04.02.2018. The Secretary of the petitioner-Society wrote letters on 31.01.2018 to the various authorities i.e., Director Geneal of Police, Jharkhand, Senior Superintendent of Police, Ranchi, Assistant Superintendent of Police, Hatia, Ranchi, Sub-Divisional Magistrate, Sadar, Ranchi, Deputy Superintendent of Police, Hatia, Ranchi and Officer-in-charge, Jagarnathpur Police Station, Ranchi informing about the illegal act of the respondent no.7 as well as about the criminal cases lodged against him.

6. Learned senior counsel for the petitioner also submits that none of the rival factions chose to participate in the Annual General Meeting of the Society held on 28.01.2018 which was notified by the Secretary of the petitioner-Society and election of the Society was conducted in the said meeting in presence of other members of the Society and a new executive committee was constituted for the year 2017-19. The decision of the said meeting was also duly informed to respondent no. 10 vide letter dated 31.01.2018 issued by the Secretary

of the petitioner-Society. On 04.02.2018, a general body meeting was forcibly held in the school campus by the respondent no. 7 wherein the signatures of the participating members were not verified which would reflect that the same was done only to help the accused persons who had misappropriated huge amount of the Society and were avoiding audit as ordered by the Judicial Commissioner, Ranchi on 27.01.2018 in A.B.P. No. 1723 of 2017. Learned senior counsel refers the judgment rendered by the Hon'ble Supreme Court in the case of **Managing Committee Khalsa Middle School and Another Vs. Mohinder Kaur (Smt.) and Another** reported in **1993 Supp (4) SCC 26** and submits that it has been held inter alia that there is no requirement in the Act, 1860 for registration of any amendment in the Memorandum of Association (MoA) or the Rules and Regulations of a society. In absence of any such requirement in the said Act, it cannot be said that registration of an amendment is a condition precedent for such an alteration to come into effect.

7. Learned senior counsel for the petitioner further submits that the annual subscription has not been paid by the persons of rival faction who have got the amendment in the by-laws of the Society in their favour which itself is illegal as they have not shown Abhay Kumar Mishra as the Secretary. It is also submitted that the impugned order is wholly without jurisdiction as the executive committee members of the year 2008-09 have been shown working till 28.02.2020 ignoring the fact that Abhay Kumar Mishra along with the other executive committee members were working in the society w.e.f. 07.06.2015. The respondent no. 10, vide impugned order dated 28.02.2020, granted the amended certificate in favour of the respondent no. 9 and others by substituting the executive committee of the year 2008-09 which is in direct violation of the Act, 1860 and the Society Registration Rules, 1965 (in short, "the Rules, 1965") as the respondent no. 10 has no power to resolve the internal dispute between the members of the Society which can only be resolved by a declaratory title suit before the competent civil court. The respondent no. 10 while passing the impugned order has considered certain report which has not been

supplied to the Secretary of the petitioner-Society i.e., Abhay Kumar Mishra and thus the same is also in violation of the principles of natural justice. The impugned order has been passed on the basis of minutes of the Annual General Body Meeting held on 04.02.2018 which is said to be conducted under the supervision of Executive Magistrate, Sadar, Ranchi is an incorrect fact since in the counter affidavit filed in W.P. (C) No. 672 of 2018, it was stated by the then Executive Magistrate, Sadar, Ranchi that deputation of the 'Magistrate' in the premises of 'Vivekanand Vidya Mandir' on 04.02.2018 by the respondent no. 6 was only to maintain law and order and thus the deputed magistrate and other administrative authorities were not involved in the election process of the Society. Moreover, the period of earlier constituted executive committee has expired and as per MoA of the Society, election of the executive committee is required to be held compulsorily.

8. According to learned senior counsel for the petitioner, the Act, 1860 and the Rules, 1965 only provide for filing of the audit report, list of members, annual report and list of executive members in terms with Section 4 and 4A of the Act, 1860 read with Rules, 1965. It is also submitted that the Society has filed annual reports for the years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 wherein Abhay Kumar Mishra has put his signature as Secretary and the same has duly been accepted by the office of the respondent no. 10 which has not been challenged/rejected by anyone. Moreover, the impugned amendment has been made on the application of those members of the Society who are the defaulters that too without compliance of Section 4 and 4-A of the Act, 1860. The said fact was duly informed to the respondent no. 10 by filing five objections, however while passing the order dated 28.02.2020, none of the objections were considered. The consent of the Secretary of the petitioner- Society was mandatorily required to be taken for giving effect to the fresh amendment in the Society, however the respondent no. 10 allowed the amendment in favour of the respondent no.9 without taking consent of Secretary of the petitioner-Society. The respondent no. 9 does not want to let the school run properly and he is trying to close down the same.

On the complaint made by the respondent no. 9, all the bank accounts of the Society was also frozen causing loss to the school as well as its teachers and students.

9. It is further submitted that Abhay Kumar Mishra was elected as Secretary in the year 2015 and having taken charge of the Society, he introduced many reforms as well as tried to check misappropriation of funds by dishonest members of the society due to which he was also threatened of dire consequences.

10. Mr. V.P Singh, learned Senior counsel appearing on behalf of the respondent no. 8- Ranendra Deb Bhattacharya [petitioner of W.P.(C) No. 1094 of 2020], submits that the ancestors of the respondent no.8 had participated in national freedom movement and were also actively involved in the famous "Kakori Conspiracy". The petitioner's father and uncle had helped Late Ram Prasad Bismil in writing the songs "Mera Rang De Basanti Chola" and "Sarfaroshi Ki Tamanna Ab Hamare Dil Me Hai". The petitioner's father namely Devendra Dev Bhattacharya was a devotee of Swami Vivekananda and disciple of Swami Shivananda. The petitioner during his childhood had also worked with Swami Shivananda and he belonging to the family of patriots, has always worked for the betterment of the society.

11. Learned senior counsel further submits that the respondent no. 8 became a member of the Society in the year 1963. He was the Secretary of the Society during the year 2008-2009. The respondent no. 8 had applied for re-registration of the Society in the state of Jharkhand and thereafter registration was granted vide registration no. 851/2008-2009. In the registered by-laws of the Society, his name figures as Secretary. It is further submitted that on 24.10.2008, a letter was issued by the respondent no. 7 to the respondent no. 8 stating that he had been removed from the post of Secretary as well as from the membership itself as per clause 6(b) of the MoA of the Society, however there is no such provision in the MoA to that effect. In the year 2008, the respondent no. 7 was not even a member of the Society, however he called an Annual General Body Meeting on 02.11.2008 claiming himself to be the President of the Society and after the said meeting,

73 new members were added in the Society against which T.S. No. 86 of 2010 was filed by the then treasurer of the Society.

12. It is also submitted that on 5.11.2008, the respondent no.8 had written letter to the respondent no. 7 along with a copy of the declaration signed by the executive committee members raising question as to how Sri P. N. Roy was elected as Secretary of the Society particularly when the respondent no. 8 being the Secretary of the Society had not notified any general body meeting on 02.11.2008. The respondent no.8 further agitated the issue that as per the bye-laws of the Society, the general body meeting or the executive committee meeting could have only been notified by him being the Secretary of the Society.

13. It is further submitted that on 2.11.2008, a meeting was convened for conciliation between the respondent no. 7 and the respondent no. 8, however the respondent no.8 was forced to put signature on blank paper which was later on used as his resignation letter. If the respondent no.8 was already removed by the executive committee on 24.10.2008 itself, there was no occasion for submitting resignation by him. On 03.11.2008, a letter was written by the respondent no.7 to the respondent no. 8 stating that Sri P. N. Roy was elected as Secretary of the Society and therefore, he was to handover the charge to him. All these facts clearly stipulate that the respondent no.8 was ousted under threat and pressure by convening illegal General Body Meeting. It is also submitted that out of 15 executive committee members, 10 members had written letter to the respondent no. 7 on 13.11.2008 raising protest as to how without convening any General Body Meeting, the election of Mr. P.N. Roy as Secretary of the Society was held.

14. Mr. Singh also submits that the respondent no. 8 had filed complaint before the respondent no. 10 on 24.11.2008 challenging the decision taken in the General Body Meeting on 02.11.2008 whereupon the respondent no. 10, vide memo no. 1969 dated 30.12.2008, ordered that the changes made as per Annual General Body Meeting dated 02.11.2008 would not be given effect to and the position would remain

unchanged. The said order of the respondent no. 10 was however challenged by the Society in W.P.(C) No. 611 of 2009.

15. It is further submitted that when the respondent no.8 was in custody in connection with a criminal case i.e., Jagarnathpur P.S. Case No. 55 of 2009, a proposal was given by the Advocate of the respondent no. 7 that he and others were interested in settlement of the said criminal case whereupon the respondent no.8 agreed and signed the settlement agreement. The signatures of the respondent no.8 were also obtained on two blank papers and on his objection, he was assured by the respondent no. 7 that signatures taken on blank papers would be used in filing of the bail bond etc., however, the said signed papers were later on utilized by the respondent no. 7 for filing forged affidavits dated 09.12.2009 and 08.12.2009 before this High Court in W.P.(C) No. 611 of 2009 and also in the interlocutory application filed for withdrawal of the complaint before the respondent no. 10 respectively. It is further submitted that relying on the affidavit filed in W.P.(C) No. 611 of 2009 under the false signature of the respondent no. 8, the Society withdrew the said writ petition. It is also submitted that there is no provision in the jail manual that an under trial prisoner or convicted prisoner can swear an affidavit from the jail and hence the act of the respondent no. 7 proves that the documents which are said to have been signed by the respondent no.8 were illegally created by committing fraud with the jail authorities as well as the Court. The respondent no.8 remained in judicial custody from 25.05.2009 to 02.01.2010 and thus it was not possible for him to swear any affidavit during the said period.

16. It is also submitted that the respondent no. 10 has no power and jurisdiction under the provisions of the Act, 1860 (as applicable in the State of Jharkhand) to adjudicate inter-se dispute between the members of a registered society as well as to issue certificate of amendment substituting the names of old members of executive committee of the society. There is also no provision under the said Act to file such application for amendment with respect to a society already registered in terms with Section 3 of the said Act. Moreover, the

respondent no. 9 had filed application for amendment of the executive committee on the basis of forged documents and false affidavit.

17. Mr. Singh further submits that the present dispute has arisen between two factions i.e Shri Abhay Kumar Mishra, who is claiming himself to be the Secretary of the Society, and Shri Sukrit Bhattacharjee who is claiming himself to be the President of the Society. When the respondent no. 8 came to know about the dispute between the said two factions, he filed objection on 26.02.2020 before the respondent no. 10. Mr. Abhay Kumar Mishra was elected as Secretary for two years i.e. 2015-17 in the Annual General Meeting dated 07.06.2015 and after expiry of two years, he issued a notice dated 10.08.2017 to the respondent no. 8 to attend the Annual General Meeting of the Society to be held on 03.09.2017, however the said meeting could not be convened due to unavoidable circumstances. It is also submitted that according to the MoA of the Society, General Body Meeting of the Society is to be held every year and if election of the executive committee is notified, the same is also held in the said General Body Meeting.

18. Mr. Mahesh Tewari, learned counsel appearing on behalf of the respondent no. 7 and 9, submits that the Society has been shown to be represented by Mr. Abhay Kumar Mishra as its Secretary, however before the date of filing of the present writ petition, new executive committee members of the Society were elected and a certificate to that effect was also granted by the respondent no. 10 on 28.02.2020. As such, the present writ petition filed by Mr. Abhay Kumar Mishra claiming himself to be the Secretary of the Society is itself not maintainable. It is further submitted that Clause 23 of MoA of the Society specifically provides that the Society may sue or be sued in the name of its Secretary and the executive committee of the Society shall determine if and when the suit is to be filed or be defended on its behalf. However, in the present case, the executive committee of the Society has not decided or authorized Mr. Abhay Kumar Mishra to file the present writ petition.

19. Mr. Mahesh Tewari puts reliance on a judgment rendered by

the Hon'ble Supreme Court in the case of **P. Nazeer etc. Vs. Salafi Trust & Another** reported in **2022 SCC OnLine SC 382** wherein it has been held that every Society registered under the Act, 1860 is entitled to sue or be sued only in terms with its bye-laws which may also authorise the President or Secretary or any other office bearer to institute or defend a suit for and on behalf of the society. Therefore, unless the plaintiff in a suit, which claims to be a society, demonstrates that it is a registered entity and that the person, who has signed and verified the pleadings, has been authorised by the bye-laws to do so, the suit cannot be entertained.

20. It is further submitted that the respondent no. 8 had been the Secretary of the Society for 22 years right from its inception i.e., from the year 1970 onwards, however due to 'anti-Seva Sangha' activities and the activities against the rules and regulations of the Society, a letter dated 13.04.2007 was issued to him by the President of 'Bihar Jharkhand Ram Krishna Mission, Bhav Prachar Parishad'. Thereafter, an enquiry was held by a Committee for the charges levelled against the respondent no.8 and on providing opportunity of hearing, he was found guilty. Thereafter, 31 members of Sri Ramakrishna Seva Sangha requested the respondent no.8 on 12.06.2008 to conduct General Body Meeting to discuss the urgent issues including the fact of the inquiry report. On 25.08.2008, a letter was issued in which "No Confidence Motion" was brought against the respondent no.8 by 53 members of the Society. A General Body Meeting of the Society was held on 02.11.2008 at 10:00 A.M. in presence of 44 members in which the respondent no.8 himself resigned from the post of Secretary of the Society w.e.f. 02.11.2008. Thereafter, notice was served for conducting an extraordinary executive committee meeting of the Society to be held on the same day i.e., 02.11.2008 at about 3.00 pm and finally the members present in the said meeting accepted the resignation of the respondent no.8 with immediate effect.

21. It is also submitted that a criminal case being Jagarnathpur P.S Case No. 55 of 2009 was lodged against the respondent no.8 in which and he remained in judicial custody for about 8 months and

during the judicial custody, he sent letter dated 04.12.2009 to the Regional Manager, United Bank of India, Main Road, Ranchi and the Branch Manager, United Bank of India, Hatia Branch, Ranchi requesting to allow the operation of the back accounts of the Society by the newly elected office bearers as per the decision of the General Body Meeting held on 08.02.2009. It was decided in Executive Committee Meeting of the Society held on 05.12.2009 to take lenient view against the respondent no. 8 and thereafter a joint compromise petition was prepared by the respondent no. 7 and the respondent no. 8 attested by the Assistant Jailor of Birsa Munda Central Jail, Hotwar, Ranchi where the respondent no.8 was in custody during the said period. Thereafter, the writ petition being W.P.(C) No. 611 of 2009 filed by the Society against the respondent nos. 8, 10 and 11 was dismissed as withdrawn vide order dated 13.01.2010 and accordingly the complaint filed by the respondent no.8 before the respondent no. 10 was also withdrawn vide order dated 13.08.2010. Moreover, Title Suit No. 86 of 2010 was also dismissed on 06.12.2019.

22. Mr. Tewari further submits that the Annual General Meeting of the society was held in the premises of 'Vivekananda Vidya Mandir, Ranchi' on 07.06.2015 for constituting the executive committee for the period 2015-17 wherein Kashi Nath Mukherjee, Abhay Kumar Mishra, Malay Kumar Nandi were elected to the posts of President, Secretary and Treasurer respectively in a most illegal manner. According to MoA, the meeting should have been presided over by the respondent no.7 but the meeting held on 07.06.2015 was headed by Mr. Rajiv Ranjan, Senior Advocate of this Court. Selection of Abhay Kumar Mishra to the post of Secretary on 07.06.2015 itself was illegal and against the rules as well as bye-laws of the society as his wife Smt. Ekta Mishra had been working as PRT teacher in Vivekananda Vidya Mandir School since 2009. The school continued to function under the said illegal committee for two years i.e., from 2015 to 2017.

23. It is also submitted that in the agenda of 57th Executive Committee Meeting held on 16.07.2017, there was no mentioning of the issue to be discussed for inducting new members in the Society but

Mr. Abhay Kumar Mishra falsely claimed that 89 members were inducted as ordinary members as per the resolution passed in 57th Executive Committee Meeting. A notice dated 10.08.2017 was issued under the seal and signature of Mr. Abhay Kumar Mishra to all the members of the Society for attending the Annual General Meeting of the Society on 03.09.2017 for holding election of the executive committee for the period of 2017-19 along with other agendas and there were 108 members whose names were mentioned in the list of eligible voters, however on the said date, the election could not be held. Thereafter, from 04.09.2017 till 07.03.2022, Kashi Nath Mukerjee, Abhay Kumar Mishra and Malay Kumar Nandi posing themselves as elected President, Secretary and Treasure respectively of the Society, indulged themselves in misappropriating the school fund for which criminal cases were lodged against them.

24. It is further submitted that the last Annual General Meeting of the Society was held on 14.08.2016 and as per Clause-9(a) of the MoA, next Annual General Meeting was supposed to be held within the stipulated period of 15 months i.e., latest by 14.11.2017. However, the then Secretary of the Society- Abhay Kumar Mishra intentionally and deliberately did not hold the Annual General Meeting till the said date and as such, in view of specific stipulation made under Clause 13 of the MoA of the Society, 38 members of the Society jointly requested Mr. Abhay Kumar Mishra vide application dated 10.09.2017 to hold an Extraordinary General Body Meeting for conducting election of executive committee of the Society for the period 2017-19 latest by 10.12.2017 and informed accordingly to all the 108 members of the Society for adopting the procedure mentioned in MoA, however no meeting was held by Mr. Abhay Kumar Mishra. Again on 12.01.2018, 54 members of the Society approached the respondent no.7 as well as the other senior members of the Society to hold extraordinary general body meeting on 04.02.2018 for conducting the election for the period 2017-19 and thereafter the respondent no.7 issued notice dated 15.01.2018 to all the 108 members of the Society for holding meeting on 04.02.2018. On the said date of meeting, 60 members of the Society were present and

the election was conducted under the supervision of the Sub-Divisional Officer, Sadar, Ranchi and the Senior Superintendent of Police, Ranchi wherein the executive committee members of the Society were elected declaring the respondent no. 9 as President of the Society for the period 2017-19. After the election was held on 04.02.2018, the entire documents of proceeding were uploaded successfully on the portal of the respondent no. 10 on 08.02.2018 vide ID No.-8952 for amending the list of previous executive committee members of the Society. Later on, Abhay Kumar Mishra also filed online application before the respondent no. 10 vide ID. No.15746 seeking amendment on the basis of alleged election held on 28.01.2018. Thereafter, the matter was sent to the respondent no. 5- the Deputy Commissioner, Ranchi for submitting the inquiry report regarding election of the executive committee members of the Society for the period 2017-19. The said respondent submitted a detailed enquiry report to the respondent no. 10 on 03.02.2020 in favour of the respondent no.09 after getting the said matter properly enquired through the Executive Magistrate, Sadar, Ranchi, who had submitted his inquiry report on 27.01.2020 after providing opportunity to both the sides i.e., Abhay Kumar Mishra and the respondent no. 9 as well as verifying all the relevant documents. Thereafter, a 'certificate of registration' of amended list was issued by the respondent no. 10 in favour of newly elected executive committee members of the Society for the period 2017-19.

25. According to Mr. Tewari, an extraordinary general meeting of the Society may be convened either by the Secretary specifying the business to be transacted or on a requisition signed by at least five members of the executive committee or on a requisition signed by at least thirty members of the Society specifying the business to be transacted at such requisitioned meeting. The date, hour and place of such a meeting have to be determined by the Secretary. If within three months from the date of delivery of such requisition to the Secretary, the extraordinary general meeting so requisitioned, is not convened, the same may be convened by the persons themselves who had

requisitioned for such extraordinary general meeting mandatorily giving fifteen days' notice in writing to all the members of the Society specifying the date, hour and place of such meeting.

26. Mr. Tewari further submits that once Mr. Abhay Kumar Mishra moved before the respondent no. 10 seeking registration of new executive committee of the Society on the basis of alleged election held on 28.01.2018 and the said application was rejected, he cannot contend that the respondent no.10 had no jurisdiction to issue 'certificate of amendment of registration' in favour of the respondent no. 9. On one hand, Mr. Abhay Kumar Mishra is challenging the 'certificate of amendment' granted in favour of the respondent no. 9 along with other executive committee members of the Society by the respondent no. 10 on 28.2.2020 contending that the same was issued without authority and jurisdiction and on the other hand, he seems to be satisfied with the rejection of his application filed before the respondent no. 10 vide ID No. 15746. Mr. Abhay Kumar Mishra cannot blow hot and cold at the same breath. Annual General Meeting is held every year but the election of the executive committee members of the Society is to be held for a period of two years as per the normal convention mentioned at page -3 of the minutes of the Annual General Body meeting held on 30.01.2000.

27. It is also submitted that the respondent no.8 has no locus standi to challenge the 'certificate of amendment' of the newly elected executive committee members of the Society lawfully granted by the respondent no. 10 on 28.02.2020. The Annual General Meeting of the Society has been promptly held every year by the present Secretary namely Mrs. Smita Dey and the executive committee members have been unanimously elected for the period 2019-21 and 2021-23 in the election held on 01.03.2020 and 21.03.2021 respectively. The unanimous resolutions taken in Annual General Meeting of the Society have already been submitted to the office of the respondent no. 10 for information and needful.

28. It is further submitted that though online annual reports for the year 2014-15, 2015-16 and 2016-17 were filed by the then

Secretary of petitioner-Society before the respondent no. 10, he did not file application seeking amendment of executive committee members of the Society in the prescribed form to the said respondent till 08.02.2018 and it was only after the list of elected executive committee members was uploaded in the website of the respondent no.10 as per the Extraordinary General Meeting held on 04.02.2018, Mr. Abhay Kumar Mishra also filed application for amendment of executive committee for the year 2017-19 claiming that new executive committee members were elected in the annual general meeting held on 28.01.2018.

29. Learned counsel for the respondent-State submits that registration of Societies and registration of amendment in MoA is a regular task of the Department of Revenue, Registration and Land Reforms, Government of Jharkhand (hereinafter to be referred as "the department") which is governed by the provisions of the Act, 1860 and Rules, 1965. The respondent no. 10 has not at all decided any dispute between members of the society, rather he has simply registered an amendment in the MoA of the society according to the provisions of the Act, 1860.

30. It is further submitted that since the application filed by the respondent no. 9 for registration of amendment in the MoA of the Society was fulfilling all the legal requirements mentioned in Section 2 of the Act, 1860 and the check points of the check list approved by the department, there was no reason for not registering the said amendment. The respondent no. 10 had received two online applications for registering amendment in the MoA of the Society, one submitted by Shri Sukrit Bhattacharya having ID No.8952 and another submitted by Mr. Abhay Kumar Mishra claiming himself to be the Secretary of the petitioner-Society having ID No.15746 and as such the respondent no. 10 called for an inquiry report from the respondent no. 5 to submit the same in the light of rule 12 of Rules, 1965.

31. It is also submitted that the inquiry report of the respondent no. 5 sent vide letter no.198 dated 03.02.2020, clearly mentions that out of 104 members of Shri Abhay Kumar Mishra faction, 82 members were inducted after 03.09.2017 which prima-facie appears wrong on his

part. Moreover, the report also mentions that most of the members of the Society before the election scheduled to be held on 03.09.2017, belonged to Sri Sukrit Bhattacharya faction and few belonged to Shri Abhay Kumar Mishra faction. The inquiry report lastly mentions that all the members of the Society, who were inducted before 03.09.2017, had the power to elect the office bearers of the Society. The respondent no.10 properly examined the genuineness of both the online applications as also the enquiry report submitted by the respondent no. 5 and only thereafter allowed the amendment vide order dated 28.02.2020.

32. Heard learned counsel for the parties and perused the materials available on record.

33. During the pendency of the present writ petitions, an interlocutory application being I.A. No. 1632 of 2022 was filed by the petitioner seeking stay of the order dated 28.02.2020 passed by the respondent no. 10 and for restraining the respondent no. 9 seeking assistance of magistrate to take over the charge of the management of the Society as well as the school namely Vivekanand Vidya Mandir run by the Society claiming that the State authorities had no jurisdiction to resolve *inter se* dispute between two factions of the Managing Committee of the Society as well as the said school. The said interlocutory application was disposed of by this Court vide order dated 03.03.2020 by appointing Hon'ble Mr. Justice (retd.) Narendra Nath Tiwari as Administrator to look after and manage the affairs of the Society as well as school being run by it keeping in view the interest of students.

34. Mr. Abhay Kumar Mishra claiming himself as the Secretary of the petitioner-Society as well as the respondent no. 8 [petitioner of W.P.(C) No. 1094 of 2020] are aggrieved with the decision of the respondent no.10 whereby the 'certificate of amendment' with respect to newly elected executive committee members of the Society has been issued in favour of respondent no. 9 and others on 28.02.2020.

35. It emerges from the record that the respondent no.8 was the Secretary till 2008 and an enquiry was conducted against him on the

allegation of anti-society activities. Thereafter in the Annual General Body Meeting held on 02.11.2008 called by Alok Kumar Sinha (the respondent no. 7), the respondent no. 8 resigned from the post of Secretary and the respondent no. 7 was elected as President of the Society who also enrolled 73 new members including Abhay Kumar Mishra on that very day. The respondent no.8 has claimed that the respondent no. 7 had no authority to call General Body Meeting and as such his election on the post of President was illegal. He had also filed a complaint before the respondent no. 10 challenging the decision of the General Body Meeting held on 02.11.2008 on which the said respondent had ordered that the changes made vide Annual General Body Meeting dated 02.11.2008 were not to be made effective. Thereafter, a writ petition being W.P.(C) No. 611 of 2009 was filed by the then treasurer in the name of the Society, which was subsequently dismissed as withdrawn and the complaint filed by the respondent no. 8 before the respondent no. 10 was also withdrawn on the basis of affidavit filed by the respondent no.8.

36. The claim of the respondent no.8 is that the respondent no.7 created forged documents after getting his signature on blank papers on the pretext of submitting bail bond in the court when he was in judicial custody which was subsequently used for filing affidavits in this Court as well as before the respondent no. 10. The respondent no.8 has however not averred as to whether any FIR/complaint was lodged as per law alleging creation of forged documents by the respondent no. 7 in absence of which, this Court cannot take into consideration such allegation levelled by the respondent no.8. Thus, challenge to the decision taken in the General Body Meeting held on 02.11.2008 as well as inclusion of the 73 new members in the Society by the respondent no. 7 cannot be entertained by this Court.

37. So far the election of executive committee members of the Society for the year 2017-19 is concerned, it is evident that two factions existed in the Society; one led by Shri Abhay Kumar Mishra and other by Sri Sukrit Bhattacharya who are at loggerheads. Mr. Abhay Kumar Mishra has claimed that he was elected as Secretary in the Annual

General Meeting dated 07.06.2015 and was again re-elected as Secretary of the new governing body for the year 2017-19 in an Annual General Meeting held on 28.01.2018. He has further claimed that the decision of the said meeting was also uploaded in the website of the respondent no. 10 on 31.01.2018 which was registered vide I.D No. 15746.

38. On the other hand, the faction led by Sukrit Bhattacharya has claimed that the Annual General Body Meeting was required to be held every year as per the Bye-laws of the society, however Abhay Kumar Mishra was not holding the meeting despite repeated requests made by the respondent no.7 as well as other members of the Society and as such an Extraordinary General Body Meeting was convened on 04.02.2018 after giving due information to the other members of the society along with the district administration. The attending members unanimously elected the members of the executive committee for the period 2017-19 and respondent no.7 was elected as President. Thereafter, he filed his online application for amendment of executive committee of the Society before the respondent no. 10 which was registered as I.D. No. 8952 and in reaction to that, Mr. Abhay Kumar Mishra subsequently uploaded a separate application in the portal of the respondent no. 10 claiming that in the Annual General Meeting held on 28.01.2018, a new executive committee was elected for the period 2017-19. Thereafter, the respondent no. 10 called for an inquiry report regarding the said dispute from the respondent no. 5 vide letter no. 560 dated 23.08.2018, letter no. 424 dated 09.07.2019 and letter no. 578 dated 27.09.2019. Accordingly, the Executive Magistrate, Sadar Ranchi made inquiry and submitted the report to the respondent no.5 vide letter no. 28 dated 27.01.2020 which was subsequently forwarded by the respondent no.5 to the respondent no. 10.

39. The said report reads as under: -

"1. Both parties claim the rightfulness on their part while claiming other party's claim is untenable.

2. Out of 104 members of Sri Abhay Kumar Mishra faction, 82 members were inducted after 03.09.2017 (date of meeting called earlier) which prima facie looks malafide.

3. On question of removing the members of Sri Sukrit Bhattacharya faction from RKSS due to non-payment of fees, no satisfactory answers like notice served, due process followed etc. were given.

4. The said case WPC 672/2018 is still in admission phase before Hon'ble High Court, Jharkhand.

5. Most of the members of erstwhile general body (members of RKSS before due election on 03.09.2017) belong to Sri Sukrit Bhattacharya faction and few belong to Sri Abhay Kumar Mishra faction.

6. It is immediately difficult, tedious and time-consuming to interview all members of both faction to determine rightness of faction and in my opinion all members who held post before date 03.09.2017, shall have power to elect the office bearers of RKSS."

40. The respondent no. 10 while relying upon the report of the Executive Magistrate, Sadar, Ranchi forwarded by the respondent no. 5, made amendment in the executive committee of the Society vide impugned order dated 28.02.2020.

41. Mr. Abhay Kumar Mishra, claiming himself as the Secretary of the petitioner Society as well as the respondent no.8 have challenged the decision of the respondent no. 10 dated 28.02.2020 contending that the said respondent did not have the jurisdiction to adjudicate the dispute between the members of a registered society and thus the impugned order is liable to be set aside.

42. To appreciate the contention of the parties, I have gone through the relevant provisions of the Act, 1860. Section 4 of the said Act provides that once in every year, a list shall be filed with the Inspector General of Registration mentioning the names, addresses and occupations of the governors, council, directors, committee or other governing body who have been entrusted with the management of the affairs of the society. Further, section 4-A(1) of the Act, 1860 (Bihar Amendment) provides that together with the list mentioned in section 4, a statement showing all changes during the year in the list of the personnel of Governors, Council, Directors, Committee or other governing body to whom the management of the affairs of the society is entrusted and also a copy of the rules of the society corrected up-to-date and certified to be a correct copy by not less than three of the members of the governing body, will also be filed with the Inspector

General of Registration. Sub-section (2) of Section 4-A of the Act, 1860 (Bihar Amendment) provides that a copy of every alteration made in the rules of the society, certified to be the corrected copy by not less than three of the members of the governing body, shall be sent to the Inspector General of Registration within fifteen days of the making of such alteration.

43. Section 13 of the Act, 1860 speaks of the dissolution of societies and adjustment of their affairs which reads as under: -

"13. Provision for dissolution of societies and adjustment of their affairs:- It speaks that any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient.

Provided that in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate and the Court shall make such order in the matter as it shall deem requisite.

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided that whenever any Government is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved without the consent of the Government of the State of registration."

44. Thus, any dispute between the executive committee or the members of the society is not to be adjudicated by the Inspector General of Registration, rather the same is required to be referred to the Principal Court of original civil jurisdiction.

45. I have also gone through the judgment rendered by Delhi High Court in the case of **Prakash & Others Vs. Govt. of NCT of Delhi & Others** reported in **2006 (89) DRJ 492** as relied by learned senior counsel for the petitioner in support of his contention, wherein it has been held that the Registrar of the Societies is not vested with any power to determine or decide or adjudicate upon the issue as to which of the factions truly represents the society.

46. In the case in hand, the Executive Magistrate, Sadar, Ranchi

in its report observed that the members of the Society inducted before 03.09.2017, were only entitled to elect the officer bearers of the Society. He further observed that most of the members of the Society, who were inducted before 03.09.2017, i.e., the date on which the election of the Society was due to be held, were with Sukrit Bhattacharjee (the respondent no.9). The Executive Magistrate, Sadar, Ranchi also observed that due process of law was not followed while removing the members of Sukrit Bhattacharjee faction. Thus, the Executive Magistrate, Sadar, Ranchi, while preparing his report had in fact decided the inter-se dispute existing between both the factions of the Society and on the basis of the said report, the respondent no. 10 issued 'certificate of amendment' with respect to the executive committee of the Society in favour of the respondent no.9.

47. It is also evident that the respondent no. 10 took up the matter on 24.12.2019 and it was observed that both the parties might go to appropriate court to finalize the internal dispute. The said fact suggests that the said respondent was also aware of the law in this regard that he had no jurisdiction to decide the internal dispute existing between the members of the Society, rather the same was to be decided by the Principal Court of original jurisdiction. However, the respondent no. 10 after getting the report from the respondent no. 5 acted contrary to its own observation made in the order dated 24.12.2019 and issued 'certificate of amendment' with respect to the executive committee of the Society in favour of the respondent no.9.

48. Learned counsel for the respondent no. 7 puts reliance on a judgment rendered by the Hon'ble Supreme Court in the case of **A.P. Aboobaker Musaliar Vs. Distt. Registrar (G) & Others**, reported in **(2004) 11 SCC 247**, wherein the appellant as well as one E.K Aboobaker had filed their own lists of governing body members for the same year and the District Registrar had accepted the list of E.K Aboobaker who had been filing list till the preceding year. The appellant challenged the order of the District Registrar by filing a writ petition which was allowed by learned Single Judge holding that the District Registrar had no power to decide a dispute between the parties under

Section 4 of the Societies Registration Act, 1860 as the scope of Section 4 was limited to accepting the list of governing body members filed by a party. In appeal, learned Division Bench of the High Court set aside the order of the Single Judge and held that in the case of a dispute when more than one return is filed, the Registrar had the power to find out as to which one he should accept. However, the aggrieved party could take up the matter before a competent court for adjudication with respect to the actual members of the governing body since the inquiry made by the Registrar and the decision taken thereafter did not become final. The Division Bench also observed that E.K Aboobaker was filing list upto the preceding year and the Registrar *prima facie* accepted the list filed by E.K Aboobaker for the year in question. The Hon'ble Supreme Court while dismissing the appeal, observed that when there were two lists, the District Registrar, on being *prima facie* satisfied, accepted the list filed by E.K Aboobaker as he had been filing the lists till previous years. It was also observed that the Division Bench of the High Court was right in taking the view that the list accepted by the District Registrar did not attain finality and if the appellant was aggrieved, it was open to him to establish his claim in a competent court/forum. It was further held that if the appellant's claim was right and justified, he was not prevented from establishing his claim in a competent court merely because the District Registrar accepted the list of the governing body of the members submitted by E.K. Aboobaker Musaliar.

49. I am of view that the aforesaid judgment will not be applicable in the facts of the present case. Here, the annual reports of preceding years were filed with the signature of Abhay Kumar Mishra as Secretary of the Society. However, the respondent no. 10 did not accept the list of new executive committee members filed by Abhay Kumar Mishra, rather accepted the list of new executive committee members filed by the respondent no. 9 and others that too, not on *prima facie* observation, rather he decided the inter-se dispute between the two factions of the society holding that 82 members inducted after 03.09.2017 by Abhay Kumar Mishra appeared wrong.

50. One of the arguments of the learned senior counsel for the petitioner as well as the respondent no.8 is that the respondent no. 10 had no jurisdiction to re-register the Society and issue certificate in this regard when the society was already registered. Learned counsel for the respondent nos. 7 and 9 has however refuted the said argument and has submitted that the respondent no. 10 merely accepted the list of executive members elected in the extraordinary general meeting held on 04.02.2018 and did not re-register the Society, he rather issued certificate with regard to amendment in the list of executive committee members and as such the certificate issued by the respondent no. 10 in favour of the Society cannot be questioned by Mr. Abhay Kumar Mishra and if he feels aggrieved with the said decision of the respondent no. 10, he may seek remedy before the Civil Court.

51. I have also perused the 'certificate of amendment' dated 28.02.2020 issued by the respondent no. 10 which reveals that by reasons of the same, the Society was not re-registered as claimed by the petitioner and the respondent no.8, rather the same was with respect to amendment in the list of executive committee members pursuant to the application filed by the respondent no. 9. I am of the view that the respondent no. 10 was competent to issue 'certificate of amendment' with respect to the list of the executive committee members in exercise of power under section 4-A of the Act, 1860 (Bihar Amendment) in a case where the election of new executive committee members was not disputed by other faction of the Society. However, in the present case, on the one hand, Mr. Abhay Kumar Mishra has claimed that the election of executive committee members for the period 2017-19 was held on 28.01.2018 wherein he was elected as Secretary of the Society, however on the other hand the respondent nos. 7 and 9 have claimed that the said election was held on 04.02.2018 in the Extraordinary General Meeting. Both the factions informed the respondent no. 10 about the formation of new executive committee. Under such circumstance, the respondent no. 10 had no jurisdiction to adjudicate inter-se dispute existing between the two factions of the society, irrespective of the fact that the issuance of the

certificate was within its domain.

52. Thus, the impugned order dated 28.02.2020 passed by the respondent no. 10 under the Act, 1860 whereby 'certificate of amendment' in the list of the executive committee members has been issued in favour of the respondent no. 9, is hereby quashed.

53. Moreover, Mr. Abhay Kumar Mishra claiming himself as Secretary of the petitioner Society has contended that other faction of the Society was responsible for delay in holding election for the year 2017-19 as they did not want free and fair election. It has further been contended that the other faction did not participate in the General Body Meeting held on 28.01.2018 wherein new executive committee for the year 2017-19 was constituted. The meeting forcibly held by the respondent no. 7 on 04.02.2018 was without verifying the signatures of the participating members including the respondent no. 9 who was in defaulters' list as he had failed to pay membership subscription and as such the 'certificate of amendment' could not have been granted in his favour. On the other hand, the claim of the respondent no. 7 and 9 is that the appointment of Abhay Kumar Mishra as Secretary of the Society for the period 2015-17 was itself illegal as the Annual General Meeting dated 07.06.2015 was not headed by the respondent no. 7 who was the President of the Society at that point of time, it was rather headed by Mr. Rajiv Ranjan, Senior Advocate. It has also been claimed that Mr. Abhay Kumar Mishra inducted 89 members in the Society in an illegal manner and was also not interested in holding the election of the executive committee after completion of its tenure. Moreover, the office bearers of the Society were also involved in misappropriating the fund of the Society. Under the said circumstance, the Extraordinary General Body Meeting was held on 04.02.2018 by the respondent no. 7. Thus, both the parties have raised disputed question of fact which cannot be adjudicated by this Court under the extraordinary writ jurisdiction.

54. Looking to the nature of dispute between the parties, I am of the view that it would not be appropriate to entertain the allegations and counter allegations made by both the factions against each other, rather the best course would be to conduct free and fair election for

constitution of a new executive committee of the Society so as to resolve the existing dispute between both the factions. The writ petitioner of W.P.(C) No. 1094 of 2020 [the respondent no. 8 of W.P.(C) No. 1151 of 2020] has also questioned the constitution of the executive committee by both the factions. A fresh election for constituting executive committee will also be in the interest of the Society as it is evident from the record that due to the existing dispute between both the factions, the functioning of the said educational institution run by the Society is also being disturbed.

55. Under the aforesaid circumstance, Mr. Justice (Retired) Narendra Nath Tiwari, who has been appointed as an Administrator vide order dated 03.03.2022 to look after and manage the affairs of the Society as well as the concerned school being run by it, is requested to supervise the election process of the Society in accordance with rules and regulations as mentioned in MoA of the Society which will include the following actions: -

"(i) To prepare the list of eligible members who are entitled to participate and vote for electing the executive committee members of the Society in the general body meeting to be held for the said purpose.

(ii) If any member has become ineligible due to non-payment of the subscription in time, one opportunity shall be given to the concerned member to pay the subscription for membership of the Society.

(iii) To fix the date and time of general body meeting for conducting election of the executive committee of the Society, notice of which will be circulated in such a manner that all members are properly informed about such election well in advance.

(iv) The proceeding of the general body meeting shall be conducted under the supervision of the Administrator and the voting shall be made in the manner as has been prescribed in the Rules and Regulations mentioned in the MoA of the Society. The Videography of the election process will also be made.

(v) The Administrator will declare the result of the election and his decision shall be final.

(vi) The constitution of the new executive committee shall be communicated to the Inspector General of Registration (the respondent no. 10) for issuance of amended certificate in favour of the new executive committee.

(vii) After constitution of the new executive

committee, the Administrator will hand over the charge of the Society to the President/Secretary of the same and thereafter he will be relieved from his charge.

(viii) In the aforesaid exercise of conducting election of the Society, the Administrator may take assistance of the District Administration and on his such request, the Deputy Commissioner, Ranchi and the Senior Superintendent of Police, Ranchi shall deploy sufficient numbers of officials and police personnel on the day, time and place as informed by the Administrator so as to provide assistance in conducting the election as well as to maintain the law and order situation during the entire election process.

(ix) The Administrator will make endeavor to complete the entire exercise within two months from the date of passing of this order.”

56. This Court extends thanks to the learned Administrator for accepting the assignment given by the Court and devoting time to manage the affairs of the Society and the School.

57. Before parting with the case, I would like to add that the rival dispute among the members of a Society with respect to genuineness of the constitution of executive committee is increasing day by day and in view of the present provisions of the Act, 1860 read with Rules, 1965, the aggrieved parties have to move before the civil court and in a given situation before High Court, which does not only put extra burden on the court but also cause delay in adjudication of the dispute which adversely affects the smooth functioning of the Society. To overcome the said situation, the Government of Bihar has already framed Bihar Societies Registration Rules, 2018, wherein it has been provided under rule 18 that if a dispute arises out of the existence of two rival governing and/or executive bodies for being a rightful managing body of the Society, the Inspector General of Registration may direct the District Magistrate to enquire the said dispute himself or through one of his subordinate officers and submit a report, and/or invite all the rival bodies and hear the matter in person, and/or cause re-election of the governing and/or executive body to be done in the presence of an Observer appointed by the Inspector General of Registration and thereafter pass suitable order adjudicating the matter. Further, rule 19 provides that where a complaint regarding acts of commission and omission against the Society or any of its member is received, the

Inspector General of Registration may enquire the matter himself or through such authority as he may deem fit and cause report to be submitted. Consequent upon such a report being filed before Inspector General of Registration, he may pass a suitable order after giving due opportunity of hearing to all the parties concerned.

58. It is high time when the Government of Jharkhand should also frame new rules or amend the existing rules so that the dispute between two or more factions of society with respect to constitution/formation of the governing/executive committee may be expeditiously adjudicated by the Inspector General of Registration after making due enquiry and providing opportunity of hearing to the concerned parties.

59. The writ petitions are disposed of with the aforesaid observations and directions.

60. Let a copy of this order be also communicated to the Chief Secretary, Government of Jharkhand for needful in view of the observations made by this Court in paragraph nos. 57 and 58 of this order.

61. I.A. No. 3149 of 2020 and I.A. No. 7687 of 2022 filed in W.P.(C) No. 1151 of 2020 as well as I.A. No. 1697 of 2022 and I.A. No. 1367 of 2023 filed in W.P.(C) No. 1094 of 2020 also stand disposed of.

(Rajesh Shankar, J.)

Ritesh/-AFR