

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) No. 5221 of 2012

Andhra Association, Jamshedpur through its  
General Secretary, Sri Y.V. Rajshekhar ... .. Petitioner

*Versus*

1. The State of Jharkhand
2. The Inspector General, Registration,  
Government of Jharkhand, Ranchi
3. The Deputy Commissioner, Jamshedpur
4. Sub Divisional Officer, Dhalbhum, Jamshedpur... .. Respondents

CORAM: HON'BLE MR. JUSTICE ALOK SINGH

For the Petitioner : M/s A.K. Mehta, Ashok Kr. Yadav, Manoj Kumar  
For the State : Mr. Rajesh Kumar, G.P. V  
For the Intervener : Mr. Dr. S.N. Pathak, Sr. Advocate, R.K. Roy

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**I.A. No. 3303 of 2012**

06/24.01.2013 This is an application seeking permission to intervene in the writ petition.

For the reasons stated in the application, applicant is permitted to intervene in the matter.

Consequently, I.A. No. 3303 of 2012 is allowed.

**W.P.(C) No. 5221 of 2012**

Heard learned counsel for the respective parties.

The very short question involved in the present case is as to whether S.D.O. is competent to decide the validity of the membership and validity of the election of the Society registered under the Society Registration Act.

Mr. Rajesh Kumar, learned G.P. V, submits that although, as per the provisions of the Society Registration Act, election dispute as well as dispute about the validity of the membership cannot be decided by S.D.O. or Registrar of the Society, however, in the present case, petitioner itself has filed the writ petition, wherein this Court, vide order dated 20.04.2012 passed in W.P.C. No. 2109 of 2012, had directed the S.D.O. to decide the dispute, therefore, S.D.O. was duty bound to decide the dispute and has decided the dispute.

I have carefully perused the order passed by this Court dated 20.04.2012 (Annexure No. 6). The only direction issued by this Court was to try to settle the differences and if he would not be able to persuade the parties to settle their differences, he might pass appropriate order showing the reasons for no settlement. This Court has never authorised the S.D.O. to decide the lis on merit, therefore, I have no hesitation to hold that this Court

has not conferred jurisdiction with the S.D.O., who, otherwise, has no jurisdiction under the Society Registration Act.

Dr. Pathak, learned Sr. Advocate, appearing on behalf of the Intervener, submits that Y.V. Rajshekhar is not the duly elected Secretary of the Society, however, he is intending to misuse the funds of the registered Society. He further submits that dispute pertaining to the induction of the members and validity of the election can be agitated before the competent civil court.

On the other hand, Mr. A.K. Mehta, learned counsel for the petitioner, submits that, in fact, Y.V. Rajshekhar is the office bearer of the Society, therefore, is entitled to manage the affairs of the Society, as per the Memorandum of the Society. He further submits that members of opposite group headed by Intervener, are creating nuisance and hindrance to the smooth management of the Society.

This Court, while exercising the writ jurisdiction under Article 226 of the Constitution of India, shall not enter into the disputed questions of fact to find out as to whether Y.V. Rajshekhar is duly elected office bearer of the Society. Therefore, parties, if they so wish, can approach the appropriate civil court for adjudication of this lis pertaining to the right of management of the Society.

Dr. Pathak, learned Sr. Advocate, submits that Intervener shall file civil suit for declaration or permanent prohibitory injunction against the Y.V. Rajshekhar and his colleagues. However, meanwhile, Y.V. Rajshekhar may be restrained not to misuse the funds of the Society.

Order impugned passed by the S.D.O., is hereby quashed being without jurisdiction. Intervener is given liberty to approach the civil court for appropriate reliefs.

For 15 days from today, none shall withdraw any money from the funds of the Society, however, this interim protection shall not prejudice the mind of the civil court while hearing temporary injunction application.

Present petition stands disposed of accordingly.

**(Alok Singh, J.)**

Manish