

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14697 of 2023

Bal Vikas Vidyalaya through the Managing Director, Gopal Narayan Singh, Male, aged about 82 years, Son of Late Deo Narayan Singh, resident of Village - Jamuhar, P.S. - Dehri-on-Sone, District - Sasaram (Rohtas).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-I.G. Registration, Department of Registration, Government of Bihar, Patna.
2. The Inspector General of Registration (I.G.), Department of Registration, Bihar, Patna.
3. The Deputy Inspector General (D.I.G.) of Registration, (Society and Firm Registration), Department of Registration, Bihar, Patna.
4. The District Magistrate, Rohtas (Sasaram).
5. S.P. Verma, Son of Late Harihar Prasad Verma, Resident of Jainath Bhawan, Civil Line, P.O. and P.S. - Sasaram, District Sasaram.
6. Rohit Verma, Son of S.P. Verma, Resident of Jainath Bhawan, Civil Line, P.O. and P.S. - Sasaram, District Sasaram.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mrs. Nivedita Nirvikar, Sr. Advocate
Mr. Amish Kumar, Advocate
Mr. Prabhakar Thakur, Advocate
Mr. Aamin Hayat, Advocate
For the State : Mr. Vikash Kumar (SC- 11)
For the Pvt. Respondents No. 5 & 6 : Mr. Mrigank Mauli, Sr. Advocate
Mr. Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date: 07-04-2025

The present writ petition has been filed for quashing the order dated 19.09.2023 passed by the Chairman-cum-Member, Board of Revenue, Bihar, Patna in Registration Case No. 30 of 2019, whereby and whereunder the appeal filed by the petitioner under Rule 22 (ii) of the Bihar Societies Registration Rules,



2018 (hereinafter referred to as the 'Rules, 2018'), challenging the order dated 26.11.2019 passed by the Deputy Inspector General (DIG) of Registration (Society and Firm Registration), Department of Registration, Bihar, Patna i.e. the respondent no. 3, has been held to be not maintainable and accordingly the appeal has been disposed off. The petitioner has further prayed for quashing the order dated 26.11.2019, which though has been communicated by the respondent no. 3, however, the same has been passed by the Inspector General of Registration (I.G), Department of Registration, Bihar, Patna i.e. the respondent no.2, whereby and whereunder the District Magistrate, Rohtas at Sasaram has been directed to conduct the election of Bal Vikas Samiti, Sasaram bearing Registration No. 58 of 1985-86 in terms of Rule 18 (iii) of the Rules, 2018.

2. The brief facts of the case, according to the petitioner, are that the petitioner i.e. Bal Vikas Vidyalaya is a progressive co-educational school duly affiliated to the Central Board of Secondary Education, New Delhi which was established on 14.01.1976 under the Societies Registration Act, 1860 having Registration No. 58 of 1985-86 dated 05.06.1984. The Managing Director of the petitioner is Gopal Narayan Singh. The respondent no. 5 i.e. Shri S.P. Verma, who was the earlier Chairman of the Managing Committee of Bal Vikas Vidyalaya,



Sasaram (hereinafter referred to as the 'School'), subsequently showed his reluctance to continue, as such in his place one Shri L.M. Poddar was made Chairman vide resolution dated 9.5.2018 of the Managing Committee of the said School, which was unanimously confirmed vide resolution dated 15.07.2018. Consequently, Shri L.M. Poddar became the Chairman of the School, Shri Gopal Narayan Singh continued to be the Managing Director while one Shri Upendra Verma became the Assistant Director of the Managing Committee of the aforesaid School. The respondents no. 5 and 6, being anguished by the aforesaid development, questioned the resolution of the newly constituted Managing Committee although respondent no. 5 was himself a signatory to the said resolution and got a complaint filed before the respondent no. 2 on 20.09.2018 as also before the Assistant Registrar of Registration, Registration Department, Bihar, Patna on 15.11.2018, relating to irregularities being committed by the Managing Committee of the said School including financial irregularity being done by the outsiders and it was prayed that the same be enquired into by a government officer/committee and thereafter, appropriate action be taken. The petitioner had then filed its detailed reply to the aforesaid complaint on 27.02.2019 denying all the allegations levelled in the complaint as also it was stated therein that the complainant had no locus



standi to file the said complaint, thus the complaint is fit to be dismissed. The petitioner had also raised the issue of maintainability of the complaint filed by the respondent no. 6 i.e. Rohit Verma on the following grounds:-

a) Clause-2 of the Bye-laws of Bal Vikas Vidyalaya, Sasaram deals with Membership which has five classes of Members namely-

- i. Patrons
- ii. Founder Members
- iii. Corporate Members
- iv. Donors
- v. Co-opted Guardian Representative

b) The Complainant Rohit Verma is not a Founder Member of the Bal Vikas Vidyalaya.

c) Bal Vikas Vidyalaya was founded on 05.06.1984 and was subsequently registered in the year 1985. It was founded by 11 founder members but the complainant's name is not there, rather his father namely S.P. Verma (Respondent No. 5) name is there.

d) The Complainant admits himself to be a Sponsor Corporate Member. Under the category of the Corporate Member in Clause-2 (iii), it has been clearly mentioned that the Corporate Member shall be such institution/ association who pay an annual subscription as shown



here.

**The Lions Club of Sasaram has been shown as
Principal promoter.**

e) That even as per Clause-9(b)(i) of the Bye-laws, it is clear that 11 persons will be nominated from the list of Founder Members and 7 persons will be nominated by the Founder Corporate Member which includes Lions Club of Sasaram. It further signifies that the Corporate Member shall be seven in number but the Lions Club of Sasaram shall have only one Corporate Member and that too when it fulfills the criteria as prescribed under Clause-2(5)(iii) of Corporate Members and not seven members as has been assumed by them arbitrarily.

f) The Respondent No. 6 also admits about there being 11 Founder Members in Bal Vikas Vidyalaya, Sasaram.

g) The Founder Corporate Member is only one member and not seven as claimed by the Respondent No. 6.

h) In Clause-3 of the Bye-laws, it has been specifically mentioned that Lions Club of Sasaram is only Founder Corporate Member and not Founder Member.

i) That the Respondent No. 6 has filed the present Complaint in his personal capacity with vengeance. He



has no locus standi to file the Complaint. There is no unanimous decision of the Lions Club of Sasaram to file and pursue the present Complaint. The Respondent No. 6 has also not filed any authority letter or document authorizing him to file the Complaint against the Managing Committee of Bal Vikas Vidyalaya, Sasaram, Rohtas.

j) The Respondent No. 6 has not produced the Bye-laws of the Lions Club of Sasaram and the same is not at all in existence. Moreover, Rohit Verma has acquired his status as a Corporate Member, thus he is only having the role of a Sponsor who has the duty to sponsor the functioning of the school. He has no role and powers which the Founder Members and the Managing Committee of the School possess.

3. The learned senior counsel for the petitioner Sri Y. V. Giri has stated that the petitioner had also raised the issue with regard to forged and fabricated bye-laws produced by the respondent no. 6 along with his complaint before the respondent Registration Department apart from raising the issue regarding the respondent no. 6 being a perpetual defaulter who has not paid the subscription money since several years. The Assistant Inspector General of Registration, Registration Department,



Bihar, Patna had thereafter, submitted an enquiry report dated 18.04.2019, to which the petitioner had submitted para-wise reply on 13.08.2019. The respondent no. 3 had then vide Memo No. 540 dated 06.09.2019 communicated to the petitioner as well as to the respondent no. 6 to submit their para-wise reply to the enclosed questionnaire, whereafter the petitioner had submitted his para-wise reply on 22.10.2019. The respondent no. 3 had then, without granting any opportunity of hearing to the petitioner, issued memo no. 737 dated 26.11.2019, addressed to the District Magistrate, Rohtas at Sasaram, stating therein that a decision has been taken to get the election of Bal Vikas Vidyalaya Samiti conducted in which only valid members will participate, hence the District Magistrate, Rohtas at Sasaram was requested to get the election of Bal Vikas Vidyalaya Samiti bearing Registration No. 58/1985-86 conducted with information to the Department. The petitioner had then challenged the said order dated 26.11.2019 passed by the respondent no. 3 by filing an appeal bearing Appeal No. 30 of 2019 before the Chairman-cum- Member Board of Revenue, Patna which was admitted vide order dated 10.02.2020 and the operative portion of the letter dated 26.11.2019 relating to conduct of election of Bal Vikas Vidyalaya Samiti was stayed. The matter was heard on several dates, however, in the meantime the respondent no. 6 had



filed a writ petition bearing CWJC No. 7799 of 2023, which was heard by the Hon'ble Patna High Court, Patna and disposed off vide order dated 05.07.2023, with a direction to the appellate authority to dispose off the pending appeal by passing a reasoned and speaking order/judgment after hearing the respective parties within a period of six months. The aforesaid appeal was again heard by the Chairman-cum-Member, Board of Revenue, Bihar, Patna and the parties were directed to file their respective written submissions. The Chairman-cum-Member, Board of Revenue, Bihar, Patna by the impugned order dt. 19.09.2023 has disposed off the said appeal with an observation that the letter dt. 26.11.2019 written by the D.I.G., Registration to District Magistrate, Rohtas is a direction to conduct election in terms of Rule 18(iii) of the Rules, 2018, which is an interim order and not a final order, hence not appealable under Rule 22 of the Rules, 2018.

4. The learned senior counsel for the petitioner Shri Y.V. Giri has submitted, by referring to the impugned order dated 26.11.2019, passed by the Deputy Inspector General (DIG), of Registration (Society & Firm Registration), Department of Registration, Patna i.e. the respondent no. 3, that the same is wholly without jurisdiction inasmuch as the said order has been passed by an officer who is not competent to pass the same as



per Rule 18 of the Rules, 2018, which authorizes the Inspector General of Registration, Department of Registration, Bihar, Patna i.e. the respondent no. 2 to pass suitable orders and in fact even Rule 19 mandates that suitable orders shall be passed by the Inspector General of Registration after giving due opportunity of hearing to all the parties. It is also submitted that the respondent no. 3, while passing the impugned order dated 26.11.2019 has also exceeded his jurisdiction inasmuch as the complaint dated 20.09.2018 filed by the private respondent no. 6 before the respondent no. 2 as also the one dated 15.11.2018 filed by the private respondent no. 6 before the Assistant Registrar, Registration Department, Bihar, Patna merely pertains to irregularities in conduct of the affairs of the aforesaid School by the Managing Committee as also financial irregularities being committed by outsiders, however, no complaint was made regarding holding of fresh elections of the Managing Committee. In any view of the matter, the impugned order dated 26.11.2019 is cryptic in nature and bereft of any reasoning inasmuch as the materials placed by the petitioner and contentions raised by it has not been taken note of much less considered while passing the said order dated 26.11.2019.

5. Now, coming to the appellate order dated 19.09.2023 passed by the Chairman-cum-Member, Board of Revenue, Bihar,



Patna in Registration Case No. 30 of 2019, it is submitted by the learned senior counsel for the petitioner that the same is also bad in law as well as on facts inasmuch as the order dt. 26.11.2019 passed by the respondent no. 3 directing to hold the election of the Managing Committee of Bal Vikas Vidyalaya Samiti is in the nature of final order inasmuch as a vital issue qua the parties has been decided, hence the finding of the appellate authority in its order dated 19.09.2023 that the order dated 26.11.2019 is merely a direction in terms of Rule 18(iii) of the Rules, 2018, as such is an interim order and not a final order, thus the appeal is not maintainable, is not only perverse but also not tenable in the eyes of law. It is further submitted that it is a well settled law that an order which finally decides the issue and directly affects the decision in the main case or an order which decides the collateral issue or the question which is not the subject matter of the main case or which determines the rights and obligations of the parties in a final manner are appealable. In the present case, not only the order dated 26.11.2019 passed by the respondent no. 3 is in the nature of final order directing the District Magistrate, Rohtas at Sasaram to conduct the election of the Managing Committee of Bal Vikas Vidyalaya, Sasaram but even otherwise Rule 22(ii) of the Rules, 2018 provides that all orders passed by the I.G. Registration under the Rules, 2018, shall be appealable, hence it



is submitted that the impugned order dated 19.09.2023 is fit to be set aside. The learned senior counsel for the petitioner has referred to a judgment rendered by the Hon'ble Apex Court, reported in *(1952)1 SCC 798 (Ebrahim Aboobakar & Anr. vs. Custodian of Evacuee Property, New Delhi)* to submit that the Hon'ble Supreme Court of India while noticing the provision of appeal, whereby and whereunder an appeal may be preferred under Section 24 of the Bombay Evacuees (Administration of Property Act) 1949, by any person aggrieved by an order made under Section 7, Section 60, Section 19 or Section 38 of the said Act, 1949, has held that since the Appellate Court has been constituted in words of the widest amplitude and the legislature has not limited its jurisdiction by providing that such exercise will depend on the existence of any particular state of facts, all orders made under Section 7 etc. of the Act, 1949 would be appealable inasmuch as Section 34 of the Act, 1949 does not specify the nature of the orders made appealable. The learned senior counsel for the petitioner has next relied on a judgment rendered by the Hon'ble Supreme Court of India in the case of *Shiur Sakhar Karkhana (P) Ltd. vs. SBI*, reported in *(2020) 19 SCC 592*, wherein the Hon'ble Supreme Court while interpreting Section 21(a)(ii) of the Consumer Protection Act, 1986, regarding the power of the National Commission being vested



with the jurisdiction to entertain appeals against the orders of any State Commission, has held the word “orders”, as used in Section 21(a)(ii) of the Consumer Protection Act, 1986 means and includes “any orders”. Reliance has also been placed by the learned senior counsel for the petitioner on a judgment rendered by the Hon’ble Apex Court in the case of *Shyam Sel & Power Ltd. & Anr. vs. Shyam Steel Industries Ltd.*, reported in *(2023)1 SCC 634* to contend that the Hon’ble Supreme Court of India has held that every interlocutory order cannot be regarded as a judgment but only those orders would be judgment which decide matters of moment or effect vital and valuable rights of the parties and which causes serious injustice to the parties concerned. Lastly, it is submitted that when the words of a statute are clear, plain and unambiguous i.e. they are reasonably susceptible to only one meaning, the Courts are bound to give effect to that meaning irrespective of the consequences. Thus, if the word of a statute, like in the present case are in themselves precise, unambiguous, then it is best to expand those words in their natural and ordinary sense inasmuch as the words of a statute themselves would best clear the intentions of the law giver. It is equally a settled principle of statutory interpretation that words be given grammatical meaning i.e. they should have a general meaning. Reference in this connection has been made to



the judgments reported in *(1992)4 SCC 711 (Nelson Motis v. Union of India & Anr.)*, *(2003)6 SCC 659 (Shiv Shakti Coop. Housing Society vs. Swaraj Developers & Ors.)* and the one reported in *(2005)2 SCC 271 (Nathi Devi vs. Radha Devi Gupta)*. Thus, it is the submission of the learned senior counsel for the petitioner that the impugned orders dated 26.11.2019 passed by the respondent no. 2 as also the one dated 19.09.2023 passed by the Chairman-cum-Member, Board of Revenue, Bihar, Patna in Registration Case No. 30 of 2019 are fit to be set aside.

6. *Per contra*, the learned counsel for the respondents no. 1 to 4 i.e. the respondent-State has submitted, by referring to the counter affidavit filed on behalf of the respondents no. 2 & 3, that dispute arose after one Shri L.M. Poddar was made Chairman vide resolution dated 09.05.2018 of the Managing Committee of the petitioner School, since the earlier Chairman namely Shri S.P. Verma i.e. the respondent no. 5 showed his reluctance to continue. The said proceedings of the Committee dated 09.05.2018 was unanimously confirmed vide resolution dated 15.07.2018, whereafter the respondent no.6 had filed a complaint before the I.G., Registration Department on 20.9.2018 and before the A.I.G., Registration Department on 15.11.2018 for carrying out enquiry relating to irregularities being committed in the functioning of the petitioner School. After



submission of enquiry report by the A.I.G., Registration Department, the respondent no. 3 directed the respondent no. 4 vide letter dated 26.11.2019 to conduct election of the petitioner Samiti by appointing an observer as per Rules, 2018, however, the petitioner filed an appeal bearing Appeal No. 30 of 2019 before the Chairman-cum-Member, Board of Revenue, Bihar, Patna challenging the aforesaid direction issued vide letter dated 26.11.2019, which was disposed off by an order dated 19.9.2023 wherein the appeal was held to be not maintainable inasmuch as the impugned order dated 26.11.2019, was not a final order, thus not appealable under Rule 22 of the Rules, 2018. It is stated that the order dated 26.11.2019 has been passed by the I.G., Registration in exercise of the statutory power vested in him as provided for under Rule 18(iii) of the Rules, 2018, which empowers the I.G., Registration to cause re-election of the governing and/or executive body to be done in the presence of an observer appointed by the I.G., Registration, thus the same does not require any interference. It is next contended that the petitioner has wrongly labelled the direction issued vide letter dated 26.11.2019 as “order” as it is not an order rather it is a prerequisite step taken to get materials to pass appropriate orders inasmuch as direction to conduct re-election is not an order as per mandate of Section 18 of the Rules, 2018, therefore, the



same is not appealable under Section 22 of the Rules, 2018 before the Chairman, Board of Revenue, Bihar, Patna, hence the entire writ petition is misconceived and fit to be dismissed. A counter affidavit has also been filed by the District Magistrate, Rohtas, wherein he has stated that after he was directed to conduct election as per Rules, 2018 and in case of any difficulty, nominate an observer, he had written a letter dated 26.12.2023 to the Inspector General, Registration for nomination of observer by the Department for conducting election of the petitioner's Samiti, however, till date no observer has been nominated, nonetheless, the A.I.G., Registration Department, Bihar, Patna vide letter dated 30.11.2023 has directed the District Magistrate, Rohtas to appoint a retainer till the election is held, whereupon one Shri Chandra Shekhar Prasad Singh, A.D.M., Rohtas has been appointed as a Retainer of the petitioner's School.

7. The learned counsel appearing for the respondent-State has relied on a judgment rendered by the Hon'ble Supreme Court of India in the case of *State of Maharashtra v. Mahboob S. Allibhoy and Another*, reported in (1996) 4 SCC 411 to contend that words "any order" must be read with "decision" so as to exclude any interlocutory order of High Court from the scope of appeal. In this connection, it may be relevant to reproduce paragraph no. 3 herein below:-



“3. The preliminary question which has to be examined is whether in the facts and circumstances of the case an appeal is maintainable against an order dropping the proceeding for contempt. It is well settled that an appeal is a creature of a statute. Unless a statute provides for an appeal and specifies the order against which an appeal can be filed, no appeal can be filed or entertained as a matter of right or course. Section 19 of the Act says:

“19. Appeals.—(1) An appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt-

(a) where the order or decision is that of a Single Judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union Territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal, the appellate court may order that—

(a) the execution of the punishment or order appealed against be suspended;

(b) if the appellant is in confinement, he be released on bail; and

(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed-



(a) in the case of an appeal to a Bench of the High Court, within thirty days;

(b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.”

On a plain reading Section 19 provides that an appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt. In other words, if the High Court passes an order in exercise of its jurisdiction to punish any person for contempt of court, then only an appeal shall be maintainable under sub-section (1) of Section 19 of the Act. As sub-section (1) of Section 19 provides that an appeal shall lie as of right from any order, an impression is created that an appeal has been provided under the said sub-section against any order passed by the High Court while exercising the jurisdiction of contempt proceedings. The words “any order” has to be read with the expression ‘decision’ used in the said sub-section which the High Court passes in exercise of its jurisdiction to punish for contempt. “Any order” is not independent of the expression ‘decision’. They have been put in an alternative form saying ‘order’ or ‘decision’. In either case, it must be in the nature of punishment for contempt. If the expression “any order” is read independently of the ‘decision’ then an appeal shall lie under sub-section (1) of Section 19 even against any interlocutory order passed in a proceeding for contempt by the High Court which shall lead to a ridiculous result.”

8. The learned senior counsel appearing for the private respondents no. 5 & 6 has submitted, by referring to the counter



affidavit filed in the present case that the order impugned dated 19.09.2023 does not suffer from any illegality and does not call for any interference by this Hon'ble Court and as far as the order dated 26.11.2019 is concerned, the same is itself based upon a detailed enquiry report submitted by the Assistant Inspector General, Patna Division, Patna, wherein sufficient opportunity was given to the parties to bring forth the materials on record. It is stated that Bal Vikas Vidyalaya, Sasaram was brought into existence by the Lions Club of Sasaram in the year 1975. The Lions Club of Sasaram decided to formalize the functioning of the school by creating Society to run Bal Vikas Vidyalaya, Sasaram. Accordingly, the society by the name of Bal Vikas Vidyalaya, Sasaram was constituted and the same was registered under the Societies Registration Act, 1860 on 05.06.1984 and it specifically provided that Lions Club of Sasaram is the principal promoter of Bal Vikas Vidyalaya, Sasaram as also the said school is "Lions Sponsored School". As per clause 9(1) of the registered memorandum of association of Bal Vikas Vidyalaya Society there were 11 members of the Managing Committee and all of them were members of Lions Club of Sasaram. The Rules and Regulations of the school was also formalized by getting the same registered as bye-laws of the school. The signatories to the Memorandum of Association were to be life members and were



declared as the "Founder Members". The founder members were not required to pay any annual subscription for their further continuation as members of the school. In fact provision was made for "Corporate Member" as well which was to be in the nature of institutions (educational/cultural) and even non-educational/ cultural were allowed to be made Corporate Members. It is stated that Lion's club of Sasaram, was recognized as the "principal promoter" and also as "Founder Member" and was only required to make an "initial donation" of ₹ 10,000/-. It is stated that though Lions Club of Sasaram was made Corporate Member, its status was that of "Founder Member" and was to remain as such with all the attributes of a "Founder Member". It is stated that as against the requirement of deposit of ₹10,000/-, the Lions Club of Sasaram at that particular point of time donated ₹1 lakh worth of land for the establishment of the School. The Lions Club of Sasaram had purchased land of Shri Chudda, Ram Chaurasia measuring 68 decimal vide land deed no. 3429 dated 25.03.1982, Land of Kalika Prasad Sahu measuring 65.62 decimal vide land deed no.1464 dated 26.02.1981 and land measuring 50 decimal vide land deed no. 1338 dated 08.09.1983. These lands were utilized by Bal Vikas Vidyalaya Society right from the day of purchase. All the above three lands were donated by Lions Club of



Sasaram to Bal Vikas Vidyalaya Society in the year 1995 vide deed no. 10870 dated 22.08.1995, deed no. 10871 dated 22.08.1995 and deed no. 10872 dated 22.08.1995. Further, Lions Club of Sasaram also donated a sum of Rs 11,000/- on 05.03.1985 vide receipt no. 14/85 and Rs. 14,000/- on 04.07.1985 vide receipt no. 27/85 to Bal Vikas Vidyalaya Society. The Lions Club of Sasaram, as a member was given the authority to direct the implementation of its educational program, wholly or partly, through the school.

9. The learned senior counsel appearing for the private respondents no. 5 & 6 has further stated that in order to effectuate the controlling role of the Lions Club, it was given primacy in the "Board of Directors" which was to consist of not less than 20 and not more than 22 members. The Board of Directors was to consist of 11 "Founder Members" and it was specifically clarified that the Board of Directors was to consist of seven Additional Directors who would be nominee of the "Founder Corporate Member" and the identity of the "Founder Corporate Member" was further clarified by specifically identifying the same with the Lion's Club of Sasaram. Thus, out of 20 to 22 members who had to constitute the Board of Directors 11 were to be "founder members" and seven were to be nominated by the Lions Club of Sasaram. The bye-laws had no



ambiguity and had been articulated with precision with regard to the role of Lions Club of Sasaram in the Board of Directors and that of the "founder members". Rule 9(1) of the registered bye-laws of Bal Vikas Vidyalaya Society states as follows- "Eleven persons will be nominated from the list of founder members and seven persons will be nominated by the founder corporate member (i.e. Lions Club of Sasaram) and out of this the following Board of Directors will be constituted by election in the meeting convened for this purpose." Thus, Rule 9(1) clearly states that eleven founder members and seven nominated members from Lions Club of Sasaram together constitutes the Board of Directors of Bal Vikas Vidyalaya Society. The rest three to five Directors' were to be a government official, one donor member and a guardian's representative. It is stated that while the "Founder Members" and "Corporate Founder Member i.e the Lions Club of Sasaram" had tenure of a lifetime, the opted members had to be brought in every year in the first meeting of the year of the Board of Directors. The bye-laws unambiguously state that a vacancy amongst the nominee of Lions Club of Sasaram is to be filled up by fresh nomination that is to be made only by the Lions Club of Sasaram. The bye-laws also provide that there shall be only three co-opted members and their tenure shall be of one year only and any vacancy amongst them shall be



filled up by the Board of Directors. The Lions Club of Sasaram had declared the District Magistrate as the Chief Patron of the school by its resolution dated 26.12.1975. The school was affiliated to the Central Board of Secondary Education, New Delhi in the year 1995 and Bal Vikas Vidyalaya, Sasaram was accepted as a society running the school registered under the Societies Registration Act, 1860 vide Certificate No. 58/85 dated 05.06.1985. The school functioned well and in accordance with the bye-laws, as had been registered under the Societies Registration Act, 1860, with proper participation of the Founder Members and the Founder Corporate Member i.e the Lions Club of Sasaram. Suddenly from the year 2018 onwards an effort was made to supersede the authority of the Board of Directors, the Founder Members, and the Corporate Founder Member i.e the Lions Club of Sasaram. The success of the school itself became a bane for the school. One of the founder member, Shri G.N. Singh, tried to grab the school for himself and in the process co-opted outsider and ignored the requirements of the bye-laws of Bal Vikas Vidyalaya Society. In fact the process to usurp the school began with the meeting dated 09.05.2018 when persons complete outsider to the school and in contravention of the terms of the bye-laws, were made to participate on the pretext that they were legal heirs of the Founder Members or were donor member,



even though there had been no meeting making them members of Board of Directors of the School.

10. It has also been stated by the learned senior counsel appearing for the private respondents no. 5 & 6 that in Appeal Case No. 30/2019, before the Board of Revenue, Sri Gopal Narayan Singh has annexed Minutes of Meeting ('MoM' in short) dated 09.05.2018 at two different places, one as Annexure filed in the office of AIG Patna Division and another in the office of I.G. Registration (Bihar), however, ironically, both the MoMs are at variance and don't match each other, since both are fabricated. In the aforesaid proceeding no member of the Lions Club of Sasaram was invited, hence they had not participated. It is further stated that it is evident from the proceedings of the subsequent meetings that persons who had not even become a member had been participating in the meeting of the Board of Directors without being qualified, as required in terms of the bye-laws and moreover, Lions Club of Sasaram was not even invited to the proceedings of the Board of Directors. It can be observed from the minutes of meeting dated 07.10.2018 that the person who had chaired the meeting namely Shri Munmun Sarraf, his name has been incorporated as donor member along with Shri Omprakash Chaurasia, Shri Aman Kumar and these names were proposed by Shri Satish Kumar (Educationist), who



himself is an outsider and moreover, Shri Govind Narayan Singh (son of Shri G.N. Singh) and Shri Krishna Prasad have also been taken as member of the society which is totally illegal. It has been pointed out that the abovenamed persons voted in the meeting of 09.05.2018 without having any voting rights. Thus, all the previous meetings had neither the mandate nor the authority under the bye-laws of Bal Vikas Vidyalaya, Sasaram and the proceedings were/are *void-ab-initio*. It is stated that Shri Gopal Narayan Singh was made M.D. for a period of 3 years (2018-21), based on the Election dated 09.05.2018, in which people present were not validly registered members of Bal Vikas Vidyalaya Society. Thus, Shri Gopal Narayan Singh was never made M.D., neither there was any such declaration by the registered members of the Board. In terms of the registered bye laws there is no provision of hereditary Membership, therefore, son/legal heir on death of Founder members cannot become Member of the society.

11. It is contended by the learned senior counsel appearing for the private respondents no. 5 & 6 that Sri G.N. Singh was trying to wrest control of Bal Vikas Vidyalaya with the aid of complete strangers, hence feeling aggrieved by the attitude of the new set of purported office bearers of Bal Vikas Vidyalaya, the members of the Lions Club of Sasaram made a complaint before



the Inspector General of registration, Bihar, by their letter dated 20.09.2018, with regard to the irregularities being committed by the purported Managing Committee of the school. Thereafter, the Deputy Inspector General of Registration, Bihar had initiated an enquiry by directing the Assistant Inspector General, Patna Division, Patna to make inquiries. The A.I.G. Registration, Patna Division had then submitted its enquiry report on 18.04.2019, whereafter, D.I.G. Registration, Bihar, vide letter dated 26.11.2019 instructed the District Magistrate, Rohtas to conduct elections of Bal Vikas Vidyalaya.

12. It is thus submitted by the learned senior counsel appearing for the private respondents no. 5 & 6 that the Deputy Inspector General of Registration, vide letter no. 737 dated 26.11.2019 has only directed the District Magistrate to get the election of the Managing Committee of the Society conducted, wherein only valid members, in terms of the bye-laws of the society, should be allowed to participate, which is highly innocuous and does not violate the rights of either of the parties. It is stated that the petitioner had then challenged the aforesaid letter dt. 26.11.2019, before the learned Board of Revenue by filing an appeal bearing Appeal No. 30 of 2019. The learned Board of Revenue stayed the election of the Managing Committee of the Society till disposal of the Appeal, vide order dt. 07.02.2020. Nonetheless,



the petitioner got the election of Managing Committee of the School conducted by calling a meeting of the Managing Committee on 09.05.2021 at Gopal Narayan Singh University in Chancellor Chamber at 10:30 am vide letter dated 01.05.2021. Subsequent to election of office bearer of the School society, communication was made by a press release. The Principal Promoter Lion's Club, Sasaram, upon receiving information about the constitution of the new purported Managing Committee of the school society, had immediately represented to the District Magistrate, Rohtas vide letter dated 29.05.2021 informing him about the constitution of new Managing Committee with illegal and disputed member as its office bearers, despite stay order dated 10.2.2020, as also had requested for taking action to stop the functioning of the purported Managing Committee, but to no avail. Thereafter, the respondent no. 6 being the nominated member of the principal promoter of the said society i.e. the Lions Club had called for an urgent meeting vide letter dated 30.05.2021 of the valid members of the society and a meeting was held on 02.6.2021, wherein a valid Managing Committee of the said society was constituted as per the bye laws of the said society, followed by another meeting of the valid Managing Committee of the said society on 09.06.2021, wherein the minutes of meeting dated 02.06.2021



were confirmed.

13. In the meantime, the learned Board of Revenue by an order dated 19.09.2023 dismissed the appeal filed by the petitioner on the ground that the I.G., Registration has not passed the final order and the letter dated 26.11.2019 is merely a direction under Rule 18(iii) of the Rules, 2018. Thereafter, the respondent no. 6 had requested the I.G., Registration, vide letter dated 21.09.2023 to appoint observer for holding of smooth and fair election as also had informed the District Magistrate, Rohtas vide letters dated 23.09.2023 and 07.10.2023 about the order of the Board of Revenue and requested for holding election at the earliest. The A.I.G., Registration, vide letter dated 07.06.2024 had then appointed Sub-Registrar, Rohtas as observer for conducting election.

14. The learned senior counsel for the private respondents no. 5 & 6 has thus submitted that pursuant to dispute having arisen among two set of members for control of the aforesaid society and complaint having been made by the private respondent no. 6, the Registration Department had initiated proceedings under Rule 18 of the Rules, 2018, whereafter the respondent no. 2 had directed the Assistant Inspector General, Registration, Patna Division, Patna to enquire into the allegations levelled by the respondent no. 6, whereupon the A.I.G., Registration had



submitted its report to the D.I.G., Registration vide letter dated 18.04.2019, recommending that General Body Meeting of the registered members of Bal Vikas Vidyalaya Samiti be called at some government building where the founder members and the representatives named by the Lions Club of Sasaram be also called, which should be presided over by the senior members of the Bal Vikas Vidyalaya Samiti and new Executive/Managing Committee be constituted. The respondent no. 3 had then, after obtaining permission from the respondent no. 2, passed the impugned direction dated 26.11.2019 under Rule 18(iii) of the Rules, 2018 directing the District Magistrate, Rohtas to conduct election of the said society under his supervision by appointing an observer.

15. It is stated by the learned senior counsel for the private respondents no. 5 & 6 that Rule 18 of the Rules, 2018 is invoked under circumstances where dispute exists arising out of existence of two rival governing and/or executive bodies. Thus, it is submitted that in the present case, based on the report of the A.I.G., Patna Division, Patna dated 18.04.2019, the D.I.G., Registration, after obtaining approval of the I.G., Registration, and without adjudicating any issue between the parties has merely directed the District Magistrate, Rohtas to conduct elections of the aforesaid society in terms of Rule 18(iii) of the



Rules, 2018, hence the entire process of adjudication by the I.G., Registration has been deferred till completion of the election process, thus the aforesaid direction dated 26.11.2019, issued by the respondent no. 3 is merely a direction to the District Magistrate for conducting elections in terms of Rule 18(iii) of the Rules, 2018, therefore, the same is not appealable under Rule 22 of the Rules, 2018 inasmuch as any direction issued under Rule 18(iii) of the Rules, 2018 does not decide any issue between the parties, hence does not fall within the category of “order” under Rule 22 of the Rules, 2018 inasmuch “order”, which is appealable, must be a decision adjudicating issues between the parties. In this connection, the learned senior counsel for the petitioner has referred to a judgment rendered by the Hon’ble Supreme Court of India in the case of *Arun Kumar Aggarwal vs. State of M.P.*, reported in (2014) 13 SCC 707 to submit that it has been held therein that a direction issued by the Courts is in the nature of command or authoritative instruction which contemplates the performance of certain duty or act by a person upon whom it has been issued and the same should be specific, simple, clear, just and proper depending upon the facts and circumstances of the case but it should not be vague or sweeping. It would be relevant to reproduce paragraphs no. 19 to 23 herein below:-



“19. Black's Law Dictionary (9th Edn., 2009) defines the term “direction” as an order; an instruction on how to proceed.

20. The meaning of expression “direction” has been discussed in Corpus Juris Secundum, Vol. 26-A, at pp. 955-56 as thus:

“The word ‘direction’ is of common usage, and is defined as meaning the act of governing, ordering, or ruling; the act of directing, authority to direct as circumstances may require; guidance; management; superintendence; ‘prescription’; also a command, an instruction, an order, an order prescribed, either verbally or written, or indicated by acts; that which is imposed by directing, a guiding or authoritative instruction; information as to method.”

21. According to P. Ramanatha Aiyar's Advanced Law Lexicon (3rd Edn., 2005) the word “direction” means: address of letter, order or instruction as to what one has to do. A direction may serve to direct to places as well as to persons. Direction contains most of instruction in it and should be followed. It is necessary to direct those who are unable to act for themselves. Directions given to servants must be clear, simple and precise.

22. According to Words and Phrases, Permanent Edn., Vol. 12-A, the term “direction” means a guiding or authoritative instruction, prescription, order, command.

23. To sum up, the direction issued by the Court is in the nature of a command or authoritative instruction which contemplates the performance of certain duty or act by a person upon whom it has been issued. The direction should be specific, simple, clear and just and proper depending upon the facts and circumstances of the case



but it should not be vague or sweeping.

16. Thus, it is the submission of the learned senior counsel for the private respondents no. 5 & 6 that the aforesaid letter dated 26.11.2019 is merely a direction to the District Magistrate to conduct elections in terms of Rule 18(iii) of the Rules, 2018, hence is not an order appealable under Rule 22 of the Rules, 2018. The Ld. Senior counsel has also referred to a judgment rendered by the Hon'ble Apex Court in the case of ***S.B. Minerals vs. MSPL Ltd.***, reported in ***(2010)12 SCC 24*** to submit that an order admitting a second appeal is neither a final order nor an interlocutory/interim order and special leave petitions against orders which do not decide any issue should not be entertained. Reference has also been made to a judgment rendered by the Hon'ble Apex Court in the case of ***Shyam Sel & Power Ltd. & Anr. vs. Shyam Steel Industries Ltd.***, reported in ***(2013)1 SCC 634***, paragraphs no. 22 to 25 whereof are reproduced herein below:-

“22. It could thus be seen that both the judgments of S. Murtaza Fazal Ali, J. as well as A.N. Sen, J. in Shah Babulal Khimji [Shah Babulal Khimji v. Jayaben D. Kania, (1981) 4 SCC 8], have a common thread that, as to whether an order impugned would be a “judgment” within the scope of Clause 15 of the Letters Patent, would depend on the facts and circumstances of each case. However, for such an order to be construed as a



“judgment”, it must have the traits and trappings of finality. To come within the ambit of “judgment”, such an order must affect vital and valuable rights of the parties, which works serious injustice to the party concerned. Each and every order passed by the Court during the course of the trial, though may cause some inconvenience to one of the parties or, to some extent, some prejudice to one of the parties, cannot be treated as a “judgment”. If such is permitted, the floodgate of appeals would be open against the order of the Single Judge.

23. In the light of this observation, we will have to consider as to whether the order passed by the learned Single Judge dated 2-4-2019 [Shyam Steel Industries Ltd. v. Shyam Sel & Power Ltd., 2019 SCC OnLine Cal 9130], could be construed as a “judgment” within the meaning of Clause 15 of the Letters Patent.

24. What the learned Single Judge has done by the said order, was to grant two weeks' time to the appellant-defendants to file affidavit-in-opposition and postpone the issue of grant of ad interim injunction by three weeks. No doubt, that the learned Single Judge has at one place observed that prima facie, he was of the view that “SHYAM” being a part of the business name of the appellant-defendants, no injunction should be passed to restrain the appellant-defendants from using the said word “SHYAM” on their packaging, but in the same order, he has clarified that all the observations he has made in the said order were prima facie for the purpose of passing an order at the ad interim stage and the same would have no relevance at the time of considering and



deciding the said application after exchange of affidavits.

25. It could thus be seen that the order in fact was postponement of the question as to whether the respondent-plaintiff was entitled to grant of an ad interim injunction or not, and that too, by merely three weeks. The order was only giving an opportunity to the appellant-defendants to file their affidavit-in-opposition within a period of two weeks. The order clarified that no prayer for extension of time shall be entertained. The learned Single Judge therefore postponed the issue with regard to consideration of the prayer of the respondent-plaintiff for grant of ad interim injunction by a period of mere three weeks and that too only in order to afford an opportunity to the appellant-defendants to file their affidavit-in-opposition. While doing the same, the respondent-plaintiff's interest was also protected, inasmuch as the appellant-defendants were directed to maintain weekly accounts of sale of their products covered by Class 6, which were sold under the mark "SHYAM".

17. The learned senior counsel for the private respondents no. 5 & 6 has submitted that in the present case the direction issued vide letter dated 26.11.2019 by the respondent no. 3 cannot be treated as order in finality, whereas the Rule itself is very clear, which states that I.G., Registration shall pass the final order after exercising all the three clauses mentioned under Rule 18 of the Rules, 2018. The learned senior counsel for the petitioner has also referred to a judgment rendered by the Hon'ble Supreme



Court of India in the case of ***Shah Babulal Khimji vs. Jayaben***

D. Kania & Anr., reported in **(1981) 4 SCC 8**, paragraph no. 119

whereof is reproduced herein below:-

“119. Apart from the tests laid down by Sir White, C.J., the following considerations must prevail with the court:

“(1) That the trial Judge being a senior court with vast experience of various branches of law occupying a very high status should be trusted to pass discretionary or interlocutory orders with due regard to the well settled principles of civil justice. Thus, any discretion exercised or routine orders passed by the trial Judge in the course of the suit which may cause some inconvenience or, to some extent, prejudice to one party or the other cannot be treated as a judgment otherwise the appellate court (Division Bench) will be flooded with appeals from all kinds of orders passed by the trial Judge. The courts must give sufficient allowance to the trial Judge and raise a presumption that any discretionary order which he passes must be presumed to be correct unless it is ex facie legally erroneous or causes grave and substantial injustice.

(2) That the interlocutory order in order to be a judgment must contain the traits and trappings of finality either when the order decides the questions in controversy in an ancillary proceeding or in the suit itself or in a part of the proceedings.

(3) The tests laid down by Sir White, C.J. as also by Sir Couch, C.J. as modified by later decisions of the Calcutta High Court itself which have been dealt with by us elaborately should be borne in mind.”

18. The learned senior counsel for the private respondents no. 5 & 6 has next contended that “Order” is defined under Section 2(14) of the Code of Civil Procedure, 1908 as follows- “an order means the formal expression of any decision of a Civil Court



which is not a decree". Thus, it is submitted that an order to become appealable must be a formal expression, must be a decision, the decision should conclusively decide any issue and must affect a valuable right of a party. However, in the present case the letter dated 26.11.2019 does not contain any of the said ingredients to be termed as an order, thus no appeal would lie under Rule 22 of the Rules, 2018. As far as the said letter dated 26.11.2019 is concerned, it is a ministerial act and does not involve any exercise of discretion. In this connection, reference has been made to a judgment rendered by the Hon'ble Apex Court in the case of *J.Y. Kondala Rao vs. A.P. State Road Transport Corporation*, reported in *1960 SCC online SC 66*, wherein it has been held that some acts are ministerial in nature and only mechanical one carried out in the course of day-to-day administration. In this connection, reference has also been made to a judgment rendered by the Hon'ble Apex Court in the case of *Edukanti Kistamma (dead) through LRS. & Ors. vs. S. Venkatareddy (dead) through LRS. & Ors.*, reported in *(2010)1 SCC 756*. Lastly, the learned senior counsel for the private respondents no. 5 & 6 has submitted that even the Registration Department has stated in its affidavit filed before the learned Board of Revenue that I.G., Registration has not yet passed any final order in terms of Rule 18 of the Rules, 2018, hence the



issue raised by the private respondent no. 6 vide letter dated 20.09.2018 has still not been finally adjudicated upon and the impugned direction dated 26.11.2019 does not give any cause of action to the petitioner to seek stay or challenge the same, thus, in absence of any trappings of an “order” under Rule 22 of the Rules, 2018, the letter dated 26.11.2019 issued by the respondent no. 2 is not appealable, hence the appeal filed by the petitioner has been rightly dismissed by the Chairman, Board of Revenue, Bihar, Patna vide order dated 19.09.2023. Therefore, the present writ petition is fit to be dismissed.

19. I have heard the learned senior counsel/counsel for the parties and perused the materials on record. The facts lie in a narrow compass inasmuch as upon a complaint made by the private respondent no. 6 before the Inspector General of Registration, Department of Registration, Bihar, Patna i.e. the respondent no. 2 on 20.09.2018, relating to irregularities being committed by the Managing Committee of the said school including financial irregularity being done by outsiders, the Deputy Inspector General of Registration, i.e. the respondent no. 3 had directed the Assistant Inspector General, Patna Division, Patna to conduct an enquiry, whereafter enquiry was conducted and a report dated 18.04.2019 was submitted by the Assistant Inspector General, Registration, Patna Division, Patna. The



respondent no.3 had then vide letter dated 06.09.2019 asked the petitioner as well as the respondent no. 6 to submit para-wise reply to the enclosed questionnaire, whereafter the respondent no. 3 had issued Memo No. 737 dated 26.11.2019 addressed to the District Magistrate, Rohtas at Sasaram stating therein that a decision has been taken to get the election of Bal Vikas Vidyalaya Samiti conducted in which only valid members will participate. The said letter dated 26.11.2019 was challenged by the petitioner by filing an appeal bearing Appeal No. 30 of 2019 before the Chairman-cum-Member, Board of Revenue, Patna, which was admitted vide order dated 10.02.2020 and the direction issued vide letter dated 26.11.2019 to conduct election was stayed. Finally the Chairman-cum-Member, Board of Revenue, disposed off the said appeal vide order dated 19.09.2023 with an observation that the letter dated 26.11.2019 written by the Deputy Inspector General of Registration (respondent no. 3) to the District Magistrate, Rohtas at Sasaram is a direction to conduct election in terms of Rule 18 (iii) of the Rules, 2018, which is an interim order and not a final order, hence not appealable under Rule 22 of the Rules, 2018. The said order dt. 19.09.2023 passed by the Board of Revenue, Bihar, Patna as also the aforesaid letter dated 26.11.2019 issued by the respondent no. 3 are under challenge in the present writ



petition.

20. At this juncture, it would be relevant to reproduce Rule 18 and Rule 22 of the Rules, 2018 herein below:-

“18. If a dispute arises out of the existence of two rival Governing and/or executive bodies being a rightful Managing body of the Society, then, the IG may-

(i) Ask the District Magistrate to enquire himself or through one of his subordinate officers and submit a report, and/or

(ii) Invite all the rival bodies and hear the matter in person, and/or

(iii) Cause re-election of the Governing and/or Executive Body to be done in the presence of an Observer appointed by the IG, Registration.

Based on the findings from aforementioned steps, the IG shall pass suitable Order adjudicating the matter.

22. Review and Appeal:-

(i) The IG Registration shall be competent to review any of his orders passed under these Rules provided new facts and information is brought to his notice.

(ii) All orders passed by the IG Registration under these rules shall be appealable before the Member, Board of Revenue, whose decision shall be final.”

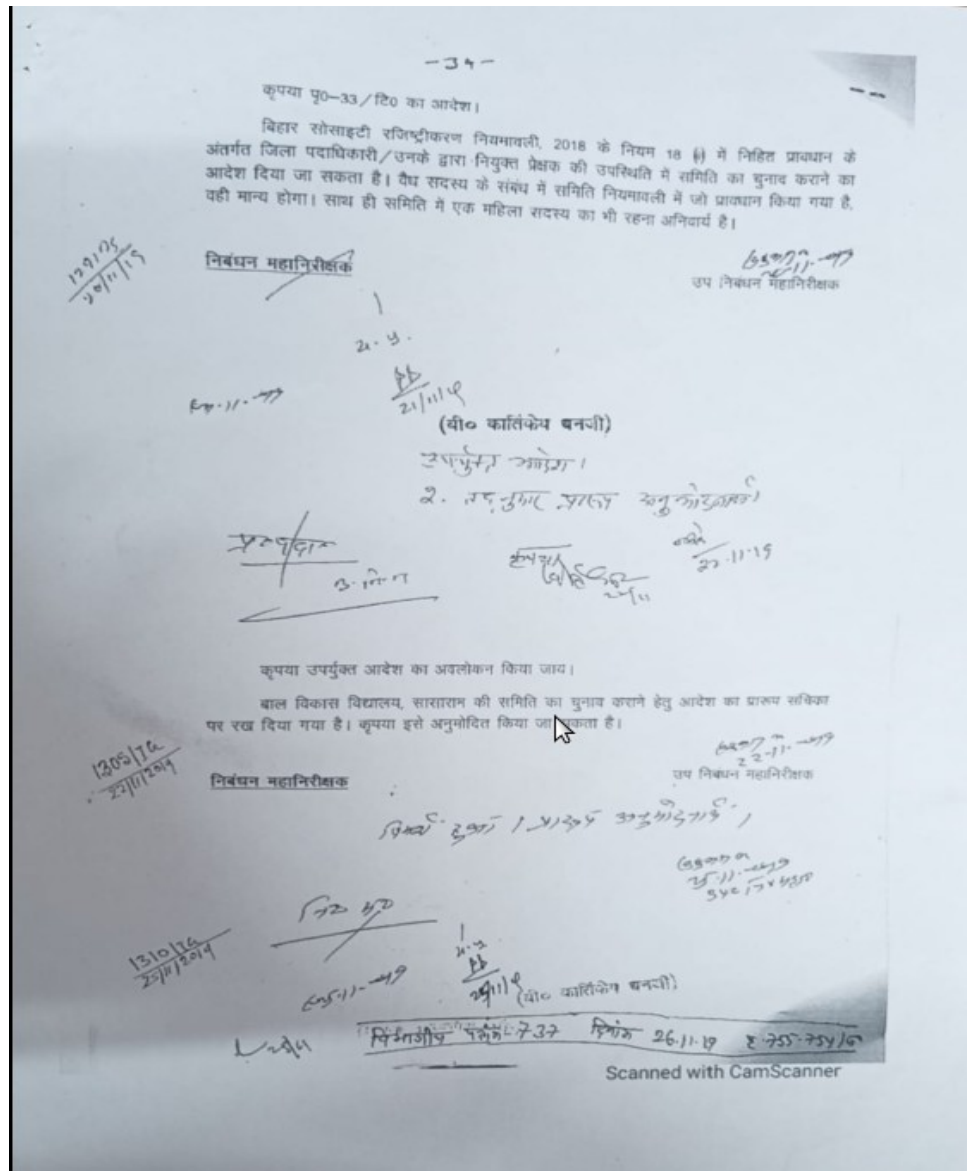
21. Much has been argued by the learned senior counsel for the petitioner that the order/letter dated 26.11.2019 passed/ issued by the Deputy Inspector General of Registration (Society & Firm Registration) Department of Registration, Patna i.e. the respondent no. 3, is wholly without jurisdiction inasmuch as the said order has been passed by an officer who is not competent to pass the same as per Rule 18 of the Rules, 2018, which only



authorizes the Inspector General of Registration, Department of Registration, Bihar, Patna i.e. the respondent no. 2 to pass suitable orders, however this Court finds from the note sheet of the file in which the issue under consideration was/is being dealt with, which has been handed over to this Court by the Ld. Counsel for the parties, that the Deputy Inspector General of Registration i.e. the respondent no. 3 had placed the file containing a note with regard to conduct of election of the aforesaid Samiti in presence of an observer, before the Inspector General of Registration i.e. the respondent no. 2 for approval and the same was approved by the Inspector General of Registration i.e. the respondent no. 2 on 21.11.2019. Thereafter, a draft order for the purposes of issuing orders for conducting election of Bal Vikas Vidyalaya Samiti, Sasaram was prepared and the same was also discussed and approved by the Inspector General of Registration, Bihar, Patna i.e. the respondent no. 2 on 25.11.2019 and then the letter contained in Memo No. 737 dated 26.11.2019 was issued to the District Magistrate, Rohtas at Sasaram asking him to get the election of Bal Vikas Vidyalaya Samiti conducted in which only valid members shall participate. Thus, this Court finds that firstly; the direction issued vide letter contained in Memo No. 737 dated 26.11.2019 has been termed to be an order in the said note sheet



and secondly; the same is only a communication of the order approved by the Inspector General of Registration, Bihar, Patna i.e. the respondent no. 2. The said note sheet has not been disputed by the learned senior counsel for the petitioner, which is being reproduced herein below:-



22. In view of the aforesaid it can be prudently concluded that communication has been issued vide letter dated 26.11.2019, pertaining to holding of the election of the aforesaid Samiti, only



upon approval of the same by the Inspector General of Registration, Bihar, Patna i.e. the respondent no. 2 as also upon approval of the draft order by the Inspector General of Registration, Bihar, Patna. Therefore, the direction contained in letter dated 26.11.2019 would be deemed to be the decision of the Inspector General of Registration, Bihar, Patna i.e. the respondent no. 2. In this background, I find that Rule 18 of the Rules, 2018 stipulates three options to be exercised by the Inspector General in case a dispute arises out of the existence of two rival Governing and/or executive bodies being the rightful Managing body of the Society. One of the option postulated under Rule 18 (iii) of the Rules, 2018 is that the Inspector General may cause re-election of the governing and/or executive body in presence of an observer. In the present case Inspector General has opted for the recourse provided for in Rule 18(iii) of the Rules, 2018 and has directed the District Magistrate, Rohtas at Sasaram to get the election of the aforesaid Samiti conducted in presence of an observer. It is apparent from the aforesaid order dated 26.11.2019 that the same, firstly does not contain any reason warranting holding of re-election of the aforesaid Samiti and secondly, the said order dated 26.11.2019 is in the nature of a final order which definitely amounts to adjudication of the purported dispute arising out of existence of two rival governing and/or executive bodies by the Inspector General, thus the same would definitely



materially affect the rights and obligations of the petitioner. It is a well settled law that an order is final if it amounts to a final decision relating to the rights of the parties in dispute in a civil proceeding. Reference be had to a judgment rendered by the Hon'ble Apex Court in the cases of *M/s. Jethanand and Sons vs. The State of Uttar Pradesh*, reported in *AIR 1961 SC 794*. Rule 22 (ii) of the Rules, 2018 postulates that all orders passed by the Inspector General under these Rules shall be appealable before the Member, Board of Revenue, therefore the decision contained in the aforesaid order dated 26.11.2019, issued by the respondent no. 3 being in the nature of a final decision of the Inspector General, adjudicating the purported dispute arising out of existence of two rival governing and/or executive bodies, would definitely be appealable before the Member, Board of Revenue.

23. It is equally a well settled law that in case the appellate Court has been constituted in words of the widest amplitude and the legislature has not limited its jurisdiction, as is the case herein, all orders passed by the Inspector General, Registration under the Rules, 2018 shall definitely be appealable before the Member, Board of Revenue. Reference, in this connection has rightly been made by the learned senior counsel for the petitioner to the judgments rendered by the Hon'ble Apex Court in the cases of *Ebrahim Aboobakar & Anr.* (supra), *Shiur Sakhar Karkhana*



(Pvt.) Ltd. (supra) and the one rendered in the case of *Nelson Motis* (supra). Therefore, this Court finds that the Chairman-cum-Member Board of Revenue, Bihar, Patna has committed a grave error while passing the impugned order dated 19.09.2023 in Registration Case No. 30 of 2019 and holding that the direction contained in letter dated 26.11.2019 to conduct election of the aforesaid Samiti is an interim order and not a final order, hence not appealable under Rule 22 of the Rules, 2018. As regards, the judgment relied upon by the learned counsel for the State, rendered by the Hon'ble Apex Court in the case of *Mahboob S. Allibhoy and Another* (supra), this Court finds that reliance upon the said judgment is misplaced inasmuch as in the said case, what the Hon'ble Apex Court was considering was Section 19 of the Contempt of Courts Act, 1971, which itself postulates that an appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt, meaning thereby that in case the High Court passes an order in exercise of its jurisdiction to punish any person for contempt of Court, then only an appeal shall be maintainable under subsection(1) of Section 19 of the Contempt of Courts Act, 1971. However, this is not the situation in the present case inasmuch as under Rule 22 (ii) of the Rules, 2022, there is no rider/fetter and the jurisdiction of the appellate Court has neither been limited nor does it specify the nature/type of orders which are appealable



whereas Rule 22(ii) of the Rules, 2018 postulates that appeal can be filed against all orders passed by the Inspector General, Registration, under the Rules, 2018.

24. Now, coming to the judgment relied upon by the learned senior counsel appearing for the respondents no. 5 & 6 rendered by the Hon'ble Apex Court in the case of *Arun Kumar Aggarwal* (supra), this Court finds that there can be no two views to the proposition that a direction issued by the Courts is in the nature of command or authoritative instruction which contemplates performance of certain duties or act by a person upon whom it has been issued and that the term direction means a guiding or authoritative instruction, prescription, order, command. As far as reliance on the judgment rendered by the Hon'ble Apex Court in the case of *S.B. Minerals* (supra) is concerned, the same is distinguishable in the facts and circumstances of the present case inasmuch as the present case does not pertain to an order admitting a second appeal and moreover, the Hon'ble Apex Court has held in the said case that special leave petitions against orders which do not decide any issue should not be entertained, discernibly considering the fact that special leave petitions are not statutory appeals but encompasses discretionary power of the Hon'ble Supreme Court of India under Article 136 of the Constitution of India to grant special leave to appeal from any



judgment, decree, determination, sentence or order in any cause or matter passed or made by any Court or Tribunal in the territory of India. As regards, the judgments rendered by the Hon'ble Apex Court in the case of *Shyam Sel & Power Ltd. & Anr.* (supra) and the one rendered in the case of *Shah Babulal Khimji* (supra), referred to by the learned senior counsel for the respondents no. 5 and 6, this Court finds that the same are also distinguishable in the facts and circumstances of the present case.

25. Now coming to the other argument raised by the learned senior counsel for the respondents no. 5 and 6 to the effect that an order, as defined under Section 2(14) of the Code of Civil Procedure, 1908 means formal expression of any decision of a Civil Court which is not a decree, but in the present case the letter dated 26.11.2019 is a ministerial act and does not involve any exercise of discretion, thus the same would not be appealable under Rule 22(ii) of the Rules, 2018. This Court finds that as far as the letter dated 26.11.2019 is concerned, the same definitely contains a formal expression of decision to hold re-election of the aforesaid Samiti, affecting the valuable rights and obligations of the petitioner, apart from the same being a communication of the draft order approved by the Inspector General, Registration, on 25.11.2019, therefore the said submission advanced by the learned senior counsel for the private respondents no. 5 and 6



does not merit any consideration.

26. Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I deem it fit and proper to quash the order dated 19.09.2023, passed by the Chairman-cum-Member Board of Revenue, Bihar, Patna in Registration Case No. 30 of 2019, whereby and whereunder the appeal filed by the petitioner under Rule 22 (ii) of the Rules, 2018, challenging the order dated 26.11.2019 passed by the respondent no. 3 has been disposed off on the ground that the same is not maintainable. Consequently, the appeal bearing Registration Case No. 30 of 2019 stands remitted back to the learned Board of Revenue, Bihar, Patna for fresh adjudication on merits. It is needless to state that any observation made by this court hereinabove in the preceding paragraphs shall not be construed to be an expression on the merits of the case.

27. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	13.11.2024
Uploading Date	07.04.2025
Transmission Date	N/A

