

GAHC010024782023



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : WA/27/2023

MANIPUR HOCKEY

REPRESENTED BY ITS PRESIDENT BY ITS PRESIDENT, BASUDEV SINGH,
AGED ABOUT 60 YEARS, S/O LATE GANESH SINGH, RESIDENT OF
THANGAL BAZAR, P.O.- IMPHAL AND P.S.- IMPHAL WEST, MANIPUR.

VERSUS

STATE OF MANIPUR AND 2 ORS.

REP. BY THE PRINCIPAL BY THE PRINCIPAL (CO-OP), GOVT. OF MANIPUR,
MANIPUR SECRETARIAT, P.O. AND P.S.- IMPHAL, DIST.- IMPHAL WEST,
MANIPUR- 795001.

2:THE REGISTRAR OF SOCIETIES
GOVT. OF MANIPUR AT LAMPHELPAT
P.O. AND P.S.- LAMPHEL
DIST.- IMPHAL WEST
MANIPUR- 795002.

3:THE HOCKEY MANIPUR
REPRESENTED BY ITS GENERAL SECRETARY
TH. MANIHAR SINGH
S/O (L) TH. HERACHANDRA SINGH
A RESIDENT OF KONGBA KSHETRI LEIKAI
MANIPUR

Advocate for the Petitioner : N PRISTA DEVI

Advocate for the Respondent : MR. M HEMCHANDRA

Linked Case : WA/28/2023

MANIPUR HOCKEY
BEARING REGISTRARTION NO. 402/M/SR/2009 HAVING ITS REGISTERED
ADDRESS AT IMPHAL
REPRESENTED BY ITS PRESEIDENT
KHOIROM LOYALAKPA
AGED ABOUT 59 YEARS
S/O KH. KERANI
KONTHA KHABAM MAYAI LEIKAI
P.O.- MANTRIPUKHRI AND P.S.- HEINGANG
IMPHAL EAST DISTRICT
MANPUR- 795002.

VERSUS

STATE OF MANIPUR AND 2 ORS.
REPRESENTED BY THE COMMISSIONER/ SECRETARY (CO-OPERATION)
GOVERNMENT OF MANIPUR
OFFICE OF OLD SECRETARIAT
BAHUPARA
P.O. AND P.S.- IMPHAL
IMPHAL WEST DISTRICT
MANIPUR- 785001.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
MANIPUR
OFFICE AT LAMPHELPAT
P.O. AND P.S.- LAMPHELPAT
P.O. AND P.S.- LAMPHEL
IMPHAL WEST DISTRICT
MANIPUR- 795004.

3:THE HOCKEY MANIPUR
A REGISTERED AMALGAMATED SOCIETY
REGISTERED UNDER THE MANIPUR SOCIETIES REGISTRATION ACT
1989 HAVING REGISTRATION NO. 419/M/SR/2010 HAVING ITS REGISTERED
OFFICE AT KHUMAN LAMPAK
P.O. AND P.S.- POROMPAT
IMPHAL EAST DISTRICT
MANIPUR
THROUGH ITS GENERAL SECRETARY
TH. MANIHAR SINGH
S/O (L) TH. HERACHANDRA SINGH
A RESIDENT OF KONGBA KSHETRI LEIKAI
MANIPUR.

Advocate for : N PRISTA DEVI
Advocate for : MR. M HEMCHANDRA appearing for STATE OF MANIPUR AND 2
ORS.

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
HONOURABLE MR. JUSTICE KARDAK ETE

JUDGMENT

Date : 26.07.2024

[Kardak Ete, J]

We have heard Mr. S. Biswajit, learned Senior counsel assisted by Mr. H. Prabir Kumar and Mr. A. Kalita, learned counsel for the appellant. Also heard Mr. A. Khadem, learned Addl. Senior Government Advocate, Manipur, for the State respondents; Mr. G. N. Sahewalla, learned Senior counsel along with Mr. M. Hemchandra, learned Senior counsel assisted by Mr. J. Rahman, learned counsels for the respondent No.3.

2. These Writ appeals are transferred from the High Court of Manipur. Since both the Writ Appeals arises from common judgement & order and are identical, the same were taken up and heard together and are disposed of by this common judgment and order.

3. Both these intra Court appeals are directed against the common judgment and order dated 20.07.2022, passed by the learned Single Judge of High Court of Manipur in Writ Petition (C) No.724/2019 and Writ Petition (C) No.916/2019, by which, the learned Single Judge has dismissed the Writ Petition (C) No.916/2019 filed by the appellant and allowed the Writ Petition (C) No.724/2019, filed by the respondent No.3, whereby the learned Single Judge has directed to implement/execute the order dated 22.01.2018, passed by the Secretary (Co-Operation), Government of Manipur and the letter dated 14.01.2019, issued by the Registrar of Societies, Manipur.

4. The issue pertains to the registration of two societies, namely Manipur Hockey (Appellant herein) and Hockey Manipur (Respondent No. 3 herein). The appellant/Manipur Hockey filed the Writ Petition (C) No.916/2019 challenging the Order dated 22.01.2018, passed by the

Secretary (Co-Operation), Government of Manipur and the letter dated 14.01.2019, issued by the Registrar of Societies, Manipur, by which appellant has been directed to change its name and alter the memorandum. The respondent No.3/Hockey Manipur has filed the Writ Petition (C) No.724/2019 for implementation of same order dated 22.01.2018, passed by the Secretary (Co-Operation), Government of Manipur and the letter dated 14.01.2019, issued by the Registrar of Societies, Manipur.

5. The case projected by the appellant/Manipur Hockey is that pursuant to the decision taken in the meeting held on 06.10.2009 and after discussing and deliberating on the issue and in view of the advice given by the Indian Olympic Association (IOA) to the Manipur Olympic Association (MOA) to follow the policy of one game one association, the members of the meeting resolved to form an association under the name and style of Manipur Hockey for not only uplifting the game of hockey in the State of Manipur, but also for the sake and interest of the players, on account of the mismanagement by the members administering the sport in the State of Manipur. After formation of Manipur Hockey, it approached Hockey India, which is the apex body of the game in the country, for its affiliation with them. Thereafter, after taking into account the credentials of the members of Manipur Hockey, who are managing the affairs of hockey in the State of Manipur, granted affiliation of Manipur Hockey to Hockey India with effect from 22.10.2009 by the President of Hockey India. In the said letter, Manipur Hockey was also requested to get itself registered under the Societies Registration Act within six months and deposit the required affiliation fee(s) within three months from the date of the said order.

6. It is contended that in terms of the resolution taken in the meeting held on 06.10.2009, necessary applications/documents and registration fee(s) required under the provisions of Manipur Societies Registration Act, 1989 (hereinafter referred to as MSR Act, 1989) and Manipur Societies Registration Rules, 2004 (hereafter as MSR Rules, 2004) were submitted to the Registrar of Cooperative Societies for registration of Manipur Hockey. After completing all formalities and procedures provided by law, the Registrar had issued a notification bearing No.402/M/SR/09 dated 12.11.2009 notifying the registration of Manipur Hockey under Section

7(1) of the MSR Act, 1989. After the registration, Manipur Hockey has been controlling, managing and looking after the game of hockey as the only authorized and recognized association by selecting the players to represent the State and arranging for their participation in various State and National level hockey tournaments. Manipur Hockey is also organizing many National and State level hockey tournaments right from its affiliation and registration till date as it is the only authorized and recognized hockey association in the State of Manipur.

7. It is contended that only after the registration of Appellant/Manipur Hockey, Hockey Manipur/Respondent No.3, submitted an application for amalgamation of Manipur Hockey Association and Manipur Women's Hockey Association to one unified body called Hockey Manipur and also requesting for allowing the said amalgamation. After registration of Appellant/Manipur Hockey, the Secretary of Manipur Hockey submitted the notification and certificate dated 12.11.2019 to the Secretary/President, Manipur Olympic Association for information and necessary action. The President of MOA issued an order on 23.11.2009 revoking with immediate effect its earlier order constituting an ad-hoc committee to look after the affairs of hockey in Manipur. Though there is no provision for filing an appeal, the President of erstwhile Manipur Women's Hockey Association filed an appeal before the Commissioner/Secretary, Registrar of Societies to set aside the registration granted in favour of Manipur Hockey.

8. During the pendency of the appeal, the Registrar allowed the registration of the amalgamated society called Hockey Manipur/ Respondent No. 3, by allotting registration No.419/M/SR/2010 and by issuing a certificate dated 21.01.2010, thereby cancelling the registration allotted to Manipur Hockey Association and Manipur Women's Hockey Association with immediate effect. Challenging the registration certificate issued in favour of Manipur Hockey, Hockey Manipur filed W.P.(C) No.435 of 2010 and during the pendency of the said writ petition, the Secretary General of Hockey India wrote a letter on 10.01.2011 to the Director of Youth Affairs and Sports, Government of Manipur informing that Manipur Hockey is the only recognized body of Hockey India in Manipur, which is affiliated to Hockey India. On

04.03.2016 the Secretary, MOA issued certificate to the effect that Manipur Hockey is an affiliated unit of MOA.

9. Pursuant to the order dated 17.03.2016 passed in W.P.(C) No.435 of 2010, the Principal Secretary (Cooperation) passed an order on 02.08.2016 disposing of the appeal by giving an opportunity to Manipur Hockey and Hockey Manipur to reconcile the issue. Thereafter, the President of Manipur Hockey wrote letter to the President, Hockey Manipur inviting them for reconciliation and to unite the two hockey associations under the common banner. Since no response was forthcoming from Hockey Manipur, Manipur Hockey wrote a letter to the Secretary General, MOA requesting for arranging an open discussion with Hockey Manipur for merging of two hockey associations in the larger interest of the game of hockey and the players.

10. It is contended that instead of making any effort for reconciliation and merging, Hockey Manipur/Respondent No.3 filed another representation dated 12.04.2017 to the State government praying for cancellation of the registration of Appellant/Manipur Hockey on the same grounds taken in their appeal dated 04.01.2010. Without giving an opportunity to Manipur Hockey, the Principal Secretary (Cooperation) issued an order dated 22.05.2017 cancelling the registration of Manipur Hockey with immediate effect and also notifying that Hockey Manipur is recognized as the sole and genuine State level association for hockey game in the State of Manipur.

11. Being aggrieved by the order dated 22.05.2017, the Appellant/Manipur Hockey filed W.P. (C) No.391 of 2017 for quashing of the said order. During pendency of the said writ petition, the Principal Secretary issued an order dated 14.06.2017 withdrawing the order dated 22.05.2017. Just after withdrawal order dated 14.06.2017, the Hockey Manipur/Respondent No.3 again for the third time filed another representation on 27.06.2017 to the Principal Secretary praying for cancellation of the registration of Manipur Hockey. When the Deputy Secretary issued summon dated 01.07.2017, challenging the summon, Manipur Hockey filed

W.P.(C) No.562 of 2017 and by the order dated 19.12.2017, the said writ petition was allowed. After the disposal of the said writ petition, Manipur Hockey filed an application dated 29.12.2017 to the concerned authorities of the State requesting them for directing Hockey Manipur to change its name by invoking Section 11 as its name is exactly similar to the name of already registered society of Manipur Hockey.

12. According to Appellant/Manipur Hockey, they are the only body affiliated and recognized by the Hockey India and MOA for the sports of hockey in the State of Manipur, which had conducted many tournaments/coaching camps in different levels in the State of Manipur. Instead of considering the application dated 29.12.2017 after a delay of more than 8 (eight) years from the date of the registration, the respondent issued an order dated 22.01.2018 whereby Manipur Hockey was directed to change its name within three months on the ground that at the time when Manipur Hockey was registered on 12.11.2009, there were already two associations existing which is alleged to be a clear violation of Section 10 of the MSR Act, 1989. Aggrieved by the order dated 22.1.2018, Manipur Hockey filed W.P.(C) No.124 of 2018 and the said writ petition was dismissed on the ground of non-joinder of necessary party. However, liberty was granted to Manipur Hockey to approach any appropriate forum, for redressal of its grievance in accordance with law vide order dated 30.08.2019. Thereafter, Manipur Hockey has filed WP(C) No.916 of 2019 to set aside the order dated 22.01.2018 and same has been dismissed by the impugned common judgment and order dated 20.07.2022. Hence these appeals.

13. The case of Respondent No. 3/Hockey Manipur is that Hockey Manipur is a registered society and has been formed by amalgamation of two registered societies, namely Manipur Hokey Association and Manipur Women's Hockey Association. On 01.06.2009, the President of Indian Olympic Association wrote a letter to the President of Manipur Olympic Association stating that the Indian Olympic Association has disaffiliated the Indian Hockey Federation and Indian Women Hockey Federation and provisional affiliation has been given to one Association, namely Hockey India. The aforesaid letter further states that Hockey India shall work on the principle of "One Game-One Body" and shall thus give recognition to one body in

each State/Union Territories to control, manage and administer both men and women Hockey.

14. It is contended that in view of the formation of unified men's and women's Hockey Association in various States of India under the principle of one game one body, Hockey Manipur was formed by amalgamation in a joint meeting held on 28.06.2009. On 29.06.2009, an ad-hoc committee under the name of Hockey Manipur was constituted and consequent upon the formation of the ad-hoc committee, the Manipur Hockey Association and Manipur Women's Association were suspended from the membership of the Manipur Olympic Association.

15. The ad-hoc committee was under the presumption that Hockey Manipur was converted into Manipur Hockey upon its registration with Registrar, Societies, Manipur bearing Registration No.402/M/ST/2009. Manipur Hockey was formed on 06.10.2009 without holding a general body meeting and it has not fulfilled the required procedure and proper documents. Thus, Appellant/Manipur Hockey was registered on 12.11.2009 by some vested interest persons with mala fide and ulterior motive and the same has been done while the process for amalgamation of Manipur Hockey Association and Manipur Women's Hockey Association was pending. Upon amalgamation of the Men's and Women's Hockey Association, the Hockey Manipur was registered with the Registrar, Cooperative Societies bearing Registration No.419/M/SR/2010. While the Appellant/Manipur Hockey has been registered as a new society under Section 7(1) of the MSR Act, 1989, not as an amalgamated society.

16. Challenging the process of registration of Appellant/Manipur Hockey, Hockey Manipur filed the WP(C) No.435/2010 before the High Court of Manipur and by an order dated 17.03.2016, the Court directed the Commissioner (Cooperation), Government of Manipur to dispose of the representation dated 04.01.2010 within a period of two months. Pursuant to the order dated 17.03.2016, the Principal Secretary (Cooperation) issued an order dated 02.08.2016 directing Manipur Hockey and Hockey Manipur to reconcile and come under a

common banner within six months. Accordingly, on 01.07.2017, the Deputy Secretary (Cooperation) issued summon to Manipur Hockey to appear on 10.07.2017. Challenging the summon, Manipur Hockey filed WP(C) No.562 of 2017 and by an order dated 19.12.2017, the said writ petition was allowed thereby quashing the summon dated 01.07.2017.

17. Vide dated 22.01.2018, the Secretary (Cooperation), Government of Manipur passed an order directing Manipur Hockey to change its name and alter its memorandum within three months from the date of receipt of the order. Aggrieved by the said order, Manipur Hockey filed WP(C) No.124/2018 and by an order dated 27.11.2018, the Court, in order to find out an amicable solution, directed the Registrar of Societies to examine and explore an amicable solution for having one association only for which Manipur Hockey was directed to appear before the Registrar. Accordingly, on 14.01.2019, the Registrar of Societies passed an order declaring that Manipur Hockey has violated the norms of registration and hence it is illegal. On 30.8.2019, WP(C) No.124/2018 was dismissed on the ground of non-joinder of necessary party. Accordingly, Hockey Manipur filed WP(C) No.724/2019 for implementation of the order dated 22.01.2018 and the letter dated 14.01.2019 and same has been allowed by the learned Single Judge vide impugned common judgment and order dated 20.07.2022.

18. Mr. S. Biswajit, learned senior counsel for Appellant/Manipur Hockey, has submitted that the respondent, in an arbitrary and mala fide manner and in colourable exercise of power with an ulterior and preconceived motive to cancel the registration of Manipur Hockey, has passed the aforesaid order, that too, after more than 8 (eight) years after Manipur Hockey Association and Manipur Women's Hockey Association have ceased to exist with effect from 29.06.2009 and order for amalgamation of the said two societies was issued with effect from 21.01.2010. The registration of Hockey Manipur was allowed only on 21.01.2010 much later than the registration of Manipur Hockey, which was registered on 12.11.2009. In view of such undisputed facts, the invocation of the provisions of Section 11 of the MSR Act, 1989 and the Rule 14(9) of the MSR Rules, 2004 by the respondent against the Appellant/Manipur Hockey, ignoring the application dated 29.12.2017 submitted by Manipur Hockey, is totally illegal.

19. The learned senior counsel submitted that the order dated 22.01.2018 has been issued with a mala fide intention to scuttle the promotion, propagation and development of the sport of hockey in the State of Manipur in which Manipur Hockey has been and is deeply engrossed with as will be shown by the facts that because of its credentials it is the only recognized body for the sport of hockey in the State of Manipur by Hockey India which is the apex body for the sport of hockey in the country and has been conducting championship in the State of Manipur. The respondent issued the impugned order dated 22.1.2018 at the instance and dictation of Hockey Manipur.

20. The learned senior, submits that the respondents have not taken any action against Hockey Manipur for changing the name of its association or for cancellation of their registration knowing fully well that the same is a defunct society existing only in paper and not engaging in any activity or activities worth its name commensurate with its aim and object for which it was set up and registered and renewing its registration in connivance with the respondents on the basis of false and concocted documents.

21. Mr. S. Biswajit, learned Senior Counsel, while referring to the MSR Act, 1989 and the MSR Rules, 2004, submits that by assuming but not admitting that the so called amalgamation and irregular proposal by the said two Association submitted to the Hon'ble Minister (Co-operation), Manipur, may be considered for the sake of amalgamation, still they never satisfied the mandatory provisions of the Act and Rules. There were no separate individual meetings by two associations who have claimed to be amalgamation as Hockey Manipur, as mandates by Rule 15(1) of the MSR Rules, 2004. The two associations, on receipt of the approval of Registrar of Societies regarding the proposed amalgamation, it is mandatory to discuss the same in the joint general body meeting of the two associations to finalize the amalgamation as per Rule 15(5) of the MSR Rules, 2004. The learned Senior Counsel further submits that after the approval of amalgamation by the Registrar, the cancellation of the amalgamated association shall be published in the Official Gazette and

further, the name of the new amalgamated association shall be published in the Official Gazette. The said process was never done in the case of the respondent No.3, when the earlier two associations claimed to have amalgamated to form the new association.

22. Mr. S. Biswajit, learned Senior Counsel, further submits that the Registration of the Appellant/Manipur Hockey was done after a due enquiry conducted by the Inspector, Cooperative Society dated 10.11.2009. In the said enquiry report, it is mentioned that no resolution, memorandum of association, regulations and members' list of the proposed Hockey Manipur/respondent No.3 are submitted. Rather only two objection letters were received from them. The proposal for amalgamation of the respondent No.3 was submitted only on 12.11.2009, i.e. on the same day when the appellant got its certificate of registration and that too was submitted to the Hon'ble Minister (Co-Operation), Manipur and not to the Registrar, which is in total violation of the relevant provisions of Act and Rules of amalgamation. Mr. Biswajit, the learned Senior Counsel, while referring to the counter affidavit filed by the State respondent submits that the State cannot say different tone that the registration is valid, and then turn around and say that it is void for securing some other advantage. In other words, the respondents should not be permitted to blow hot and cold at the same time. He submits that the Registration of the appellant was done after newspaper publication on 23.10.2009, calling upon claims and objections. Thereafter registered on 12.11.2009, after twenty (20) days of newspaper publication. When the appellant got its registration after clearance by the concerned authorities, there is no Association which was already registered in the name of Hockey Manipur/respondent No.3 and Section 10 of the MSR Act, 1989 and corresponding Rule 13 of MSR Rules, 2004, cannot be applicable to the case of the appellant. In fact the show cause notice should be given by the State Government to the respondent No.3 and not to the appellant to change the name.

23. He submits that the appellant is completely a different name and it was allowed by the authorities after a thorough inquiry and on the ground that at the time of registration of the appellant, there was no Association similar to the name of the appellant, as the respondent No.3 was not registered and existed officially on that day and the process of amalgamation was done completely contrary to the provisions of the MSR Act, 1989 and the MSR Rules,

2004.

24. Mr. S. Biswajit, learned Senior Counsel, submits that during the Writ Proceedings, the records were called for and the same was examined by the parties. Only after the examination of the records, the appellant came to know such irregularities and illegalities of amalgamation proceedings by the respondent authority for registration of the respondent No.3. According to the learned Senior Counsel, due to paucity of time, the appellant could not file any affidavit regarding the irregularities and illegalities of amalgamation. Therefore, there cannot be any pleadings in the Writ Petition.

25. He submits that despite glaring irregularities and illegalities in the process of amalgamation of the registration of respondent No.3, the learned Single Judge has failed to appreciate the same and also failed to record the oral submissions made by the learned counsel for the appellant in the impugned judgment and order. He submits that during the pendency of the present intra-Court Appeals, the appellant has filed an application under the RTI Act, seeking information. Pursuant to such application, the respondent authority replied the same on 02.03.2022, whereby it discloses the irregularities and illegalities in amalgamation process for registration of the respondent No.3. He further submits that from the information and records furnished by the respondent authorities, it is clear that the respondent No.3 exists only in the paper and in the eyes of general public, without relevant mandatory administrative procedure, apart from the fact that the respondent No.3 is functioning without having any functional activities and units under them. Further, the respondent No.3 has never held their Annual General Meeting and their annual and other returns are not furnished to the Registrar of Cooperative Societies, as mandated by the provisions of the MSR Act, 1989. Therefore, the respondent No.3 shall be deemed to be a non-existent body as per the prevailing Rules and Regulations. It is submitted that after coming to know all the irregularities and illegalities in the process of amalgamation of the respondent, the appellant has filed the Writ Petition being WP(C) No.697/2023 before the High Court of Manipur challenging the registration of the respondent No.3 on the ground of gross violation of the provisions of amalgamation, as per the mandates of the MSR Act, 1989

and the MSR Rules, 2004, which is still pending before the Manipur High Court.

26. Mr. S. Biswajit, learned senior counsel, submits that in view of such pendency of the Writ Petition, challenging the amalgamation process and registration of the respondent No.3, prays for remanding the matter back to the learned Single Judge for hearing afresh by considering all the aspects, so as to resolve the issue finally. He submits that the respondent authorities have not taken any action against the respondent No.3 for changing the name of its Association or for cancellation of the Registration knowing fully well that the same is a defunct body, existing only in paper and not engaging any activity worth its name commensurate with its aims and objects for which it was set up and registered renewing its registration in connivance with the respondents on the basis of false and concocted documents. That apart he submits that the impugned order dated 22.01.2018 was issued after a gross delay of 8 (eight) years from the date of registration of the Appellant Society and to put forward stale claims and try to unsettle the settled matters.

27. He further submits that the learned Single Judge has failed to appreciate that as per Section 12 of the MSR Act, 1989, whenever two or more Societies desire to amalgamate, the Governing Body of such Society shall submit a joint proposal in writing to the Registrar for its prior approval thereto. It is further submitted that the so called proposal by the Manipur Hockey Association and Manipur Women Hockey Association was submitted to the Hon'ble Minister (Co-operation), Government of Manipur and the same was never submitted to the Registrar for its approval and moreover, the said proposal was never submitted by the Governing Body of the respective Association and hence, the said proposal is not tenable in the eye of law and has no legal binding and till date no proposal for amalgamation by the said two associations is submitted to the Registrar as per Act and Rules. As such, the so-called amalgamation of Manipur Hockey Association and Manipur Women Hockey Association has no legal validity as the same is against the provisions of MSR Act, 1989. It is further submitted that no separate meeting was held by the respective associations to take decision on amalgamation and further no joint General Body meeting was held to finalize the amalgamation after the acceptance of the proposal by the Registrar of society.

28. The learned Senior counsel submits that as per the provisions of Manipur Societies Registration Act, 1989 as defined in Section 12(2), any proposal of amalgamation shall not have the effect of such amalgamation until and unless the said proposal which was formally addressed to the Registrar is confirmed by 3/5 of the joint members of the Associations concerned, that also with modification, if any, suggested by the Registrar. The finding of the Ld. Single Judge that amalgamation was done in due process of law to form a new Association is completely erroneous on facts and law. It is submitted that the finding of the Ld. Single Judge is that Hockey Manipur has fulfilled the provisions of Section 12 of the MSR Act, 1989 and accordingly got registered is not tenable in the eye of law and the same is erroneous. Moreover, many of the then Office Bearers of Manipur Hockey Association and Manipur Women Hockey Association participated in forming Manipur Hockey with the intention to form a single Association which will represent the game of Hockey on behalf of the State of Manipur. It is further submitted that even though there was no formal amalgamation to form Manipur Hockey, in one sense the Executive Members of the said two Associations with an understanding formed Manipur Hockey to represent the game of Hockey in the interest of the players. The Appellant/Manipur Hockey is the only Association representing the game of Hockey in Manipur as recognized as the sole Association affiliated with the Hockey India and Manipur Olympic Association and no other Association whether it is Manipur Hockey Association or Manipur Women Hockey Association or Hockey Manipur has been recognized by Manipur Olympic Association as well as Hockey India. It is further submitted that the Appellant/Manipur Hockey by virtue of being recognized by the Apex Body of Hockey in India ie. Hockey India as well as Manipur Olympic Association has been organizing many tournaments in the State of Manipur under the banner of Manipur Hockey. It is also to submit that the Hockey players of Manipur had been participating in many of the championship organized by the Hockey India by representing Manipur Hockey and no other Association is allowed to represent the Hockey players in such tournaments.

29. It is further submitted that the erroneous finding of learned Single Judge will affect the careers of the Hockey players in the State of Manipur as many of the medals which they have

won/ achieved in many of the tournaments will become futile once Manipur Hockey is not recognized and force to change its maiden name. The Lt. Single Judge ought to have given his verdict judicially to safeguard the interest of the Hockey players in the State of Manipur and by recognizing Hockey Manipur as the sole Association who can represent the Hockey players of Manipur. The interest of Hockey player of Manipur will definitely be affected as the so-called Executives representing the Hockey Manipur are not well verse with the game of Hockey. The internal letter dated 14.01.2019 of the Registrar, Cooperative Society addressed to the Deputy Advocate General, Manipur giving the status of the Associations representing Hockey as well as claiming to represent Hockey in the State of Manipur is not based on the actual facts and it was written with bias motive and unfortunately the counsel appearing for the Manipur Hockey failed to file counter affidavit contradicting the said contentions as the same was heard along with one writ petition filed by Manipur Hockey i.e. WP(C) No. 916 of 2019, and the Appellant was not aware of the legal consequences as they are layman. It is further submitted that the politically motivated and biased letter of the Registrar of Society to the Dy. Advocate General is completely contrary to the ground reality, documents on records and just opposite to the enquiry record given by its own official. The Order dated 22.1.2018 issued by the Cooperation Department, Government of Manipur is very much required to be quashed as the said direction in the order is going to change the whole aim and object along with nature of Association diverting the said Association from its soul, game of Hockey. It is further submitted that by assuming but not admitting that the name of Manipur Hockey is necessary to change as per the Rules, the direction of the authority to alter the memorandum Association of Manipur Hockey is completely illegal and not sustainable in the eye of law because of the fact that Manipur Hockey has been functioning as the sole association looking after the business of Hockey in the State of Manipur and Hockey Manipur was not existed legally and officially on day of registration of Manipur Hockey.

30. It is further submitted that in fact the direction of the Registrar, Co-operative Societies, to change the name of the Association and alter its Memorandum should be given to Hockey Manipur instead of Appellant/Manipur Hockey as Hockey Manipur was registered after the registration of Manipur Hockey. It is respectfully submitted that by assuming for the sake of

argument but not admitting the same, that Hockey Manipur was born out of the so-called amalgamation, still it is a new entity which was registered after the registration of Manipur Hockey and as such Hockey Manipur has to change its name by altering its Memorandum. The Hockey Manipur is a new entity who cannot represent the game of Hockey in Manipur even though it claimed to be the outcome of amalgamation of two erstwhile Associations, who are no longer affiliated and recognized by the Indian Olympic Association and Hockey India. The learned Single Judge has failed to appreciate all these aspects, therefore, he submits that the impugned judgement and order dated 22.07.2019 may be set aside and quashed.

31. In support of his submissions, the learned Senior Counsel for the appellant has placed reliance on two judgments of the Hon'ble Supreme Court i.e. (i). *Babu Verghese & others vs. Bar Council Of Kerala & others*, (1999) 3 SCC 422 and (ii). *Hukam Chand Shyam Lal vs. Union of India and others*, (1976) 2 SCC 128; wherein it is observed by the Hon'ble Apex Court that it is the basic principle of long settled law that if the manner of doing a particular action is prescribed under any statute, the act must be done in that manner or not at all and all other modes of performance are necessarily forbidden.

32. On the delay and laches, the learned Senior Counsel for the appellant has placed reliance in the case of *K. Thimmappa & others vs. Chairman, Central Board of Directors, State Bank of India and another*, 2001 (2) SCC 259, wherein it is held by the Hon'ble Supreme Court that even though no period of limitation is provided for the courts to exercise power under Article 226 of the Constitution, but it would be a sound and wise exercise of discretion for the courts to refuse to exercise their extra- ordinary powers under Article 226 of the Constitution in the case of persons who do not approach it expeditiously for relief and who standby and allow things to happen and then approach the court to put forward stale claims and try to unsettle settled matters.

33. Mr. A. Khaidem, learned Addl. Senior Government Advocate, Manipur, appearing for the

State respondents, submits that the order dated 22.01.2018 was issued by the Secretary (Cooperation), Government of Manipur, directing appellant/Manipur Hockey to change its name and alter its Memorandum within three months from the date of receipt of the order as per under section 11 of the MSR Act, 1989 and Rule 14(9) of MSR Rule, 2004. The order has been issued on the ground that when the two societies called under the name and the style Manipur Women's Hockey Association Regd. No. 1994 of 1976, dated the 23rd October, 1976 and Manipur Hockey Association Regd. No. 2002 of 1976 dated the 26th October, 1976 are already existing Registered Societies, registration of a similar Society under the name and style of "Manipur Hockey" on 12.11.2009 is a clear violation of Section 10 of the MSR Act, 1989. The order dated 22.01.2018 has been issued as per the direction of the Hon'ble Court's order dated 19-12-2017 passed in W.P. (C) No 526 of 2017 whereby the Hon'ble Court was pleased to quash the summons dated 01.07.2017 (for reconciliation) and further observed that it is open to the State Government to proceed in accordance with law as regards the registration of a society pertaining to Hockey Sports in Manipur, keeping in mind all circumstances.

34. The learned Addl. Senior Government Advocate, submits that there were two associations called Manipur Women's Hockey Association registered No. 1994 of 1976 dated 23 October, 1976 and Manipur Hockey Association registered No. 2002 of 1976 dated 26th October, 1976 registered under Societies Registration Act, 1860 (XXI of 1860). The two societies were amalgamated into one Society in the name of Hockey Manipur as per the proceedings of the joint General Body Meeting of the two Associations held on 18.10.2009. Accordingly. Registration No. 419/M/SR/2010 dated the 21.01.2010 had been allotted to the Hockey Manipur. The amalgamation process was taken up as per the letter of the President, Indian Olympic Association (IOA).

35. The learned Addl. Senior Government Advocate, submits that the Appellant/Manipur Hockey was registered on 12.11.2009 under the MSR Act, 1989 bearing Registration No. 402/M/SR/2009. The Appellant/ Manipur Hockey did not invite any objection before registration as per Rule 13 of the MSR, Rules 2004. Before allotting the registration to the

Hockey Manipur (allotted on 21.01.2010) which is an amalgamated body of "Manipur Women's Hockey Association" and "Manipur Hockey Association". registration has been given to the Manipur Hockey on 12.11.2009.

36. Mr. A. Khaidem, the learned Government Advocate, has submitted that Hockey Manipur was registered under the MSR Act, 1989 on 21.01.2010 and it was formed by amalgamation of two previously registered societies. He submits that Manipur Hockey was registered after calling for objections through local newspaper published on 23.10.2009 and based on the enquiry report submitted by the enquiry officer. He further submitted that in compliance of the order of this Court dated 17.03.2016 passed in W.P.(C) No.435 of 2010, the Principal Secretary issued an order dated 02.08.2016 giving an opportunity to Manipur Hockey and Hockey Manipur to reconcile the issue and come under a common banner within six months. However, the reconciliation could not be made and after due consideration of the issue under Section 11 of the Act of 1989 and Rule 11 of the Rules of 2004, the Secretary (Cooperation) has passed the order dated 22.01.2018. Learned Government Advocate submits that Hockey Manipur is the legal entity, as it is the amalgamated unit from both men and women hockey associations as per conditions of IOA though the registration number was accorded for these amalgamated body on 21.01.2010 having followed all the existing rules and procedures whereas Manipur Hockey has violated the norms of registration and therefore, is illegal.

37. Mr. M. Hemchandra, the learned senior counsel for Respondent No. 3/Hockey Manipur, submitted that upon amalgamation of Men's and Women's Hockey Associations, Hockey Manipur was registered with the Registrar, Cooperative Societies, Manipur. While Manipur Hockey has been registered as a new society under Section 7(1) of the MSR Act of 1989, Hockey Manipur has been registered as an amalgamated society under Section 12 of the MSR Act, 1989. The learned senior counsel submitted that without following the procedures as laid down under Rule 13 of MSR Rules, 2004, Appellant/Manipur Hockey was registered by the authorities. In fact, no publication calling for any sort of objection was made at any point of time. At the time of registration of Appellant/ Manipur Hockey, Manipur Hokey Association and Manipur Women's Hockey Association were in existence and their registrations were

never cancelled at any point of time.

38. The learned senior counsel submits that in the wake of formation of unified Men's and Women's Hockey Association in various States of the country under the principle of one game one body, Hockey Manipur was formed by amalgamation of two registered associations into one unified Hockey Association in the meeting held on 28.06.2009. When the process for amalgamation was underway, some vested interested persons registered Manipur Hockey. He submits that being aggrieved by the registration of Manipur Hockey, Hockey Manipur submitted a representation dated 04.01.2010 to the authorities. Since the said representation has not been considered, Hockey Manipur filed W.P.(C) No.435 of 2010 and the Court by the order dated 17.03.2016 directed the Commissioner (Cooperation) to dispose of the representation within a period of two months.

39. The learned senior counsel submits that pursuant to the order dated 17.03.2016, the Principal Secretary, exercising the power conferred under Rule 38 of the MSR Rules, 2004 has given an opportunity to Manipur Hockey and Hockey Manipur to reconcile and come under a common banner within six months in the best interest to the hockey game and players. Accordingly, the Deputy Secretary issued summon on 01.07.2017 and challenging the same, the Appellant/ Manipur Hockey filed W.P.(C) No.562 of 2017 and by the order dated 19.12.2017, the said writ petition was allowed. While allowing the writ petition, the Court observed that it is open to the State Government to proceed in accordance with law as regards to the registration of the society pertaining to hockey sports in Manipur keeping in mind all circumstances.

40. The learned senior counsel submits that in view of series of orders of the Court and notifications and letters of the State Government, the Secretary (Cooperation) issued an order dated 22.01.2018, thereby directing Appellant/Manipur Hockey to change its name and alter its memorandum within three months. Despite direction, Manipur Hockey has not changed its name. Since Manipur Hockey has failed to change its name as per the order dated

22.01.2018, Hockey Manipur submitted a representation on 04.09.2019 praying to implement/execute the orders dated 22.01.2018 issued by the Secretary (Cooperation). Since the official respondents failed to take action, Hockey Manipur filed W.P.(C) No.724/2019 seeking direction to the official respondents to implement/execute the order dated 22.01.2018 issued by the Secretary (Cooperation), Government of Manipur and the subsequent letter dated 14.01.2019 issued by the Registrar of Societies and the Appellant/Manipur Hockey filed W.P.(C) No.916/2019 to quash the very same order dated 22.01.2018.

41. He submits that Respondent No.3/Manipur Hockey has been formed on 06.10.2009 pursuant to the resolution of the meeting and the advice of IOA to the MOA to follow the policy of one game one association not only for uplifting the game of hockey in the State of Manipur, but also for the sake and interest of players who are being deprived of their fruit of labour on account of the mismanagement by the members administering the sport in the State of Manipur. Manipur Hockey was registered on 12.11.2009 under Section 7(1) of the Act of 1989. According to Hockey Manipur, Manipur Hockey Association and Manipur Women's Hockey Association were amalgamated on 21.01.2010 and gave birth to Hockey Manipur, which has been registered under Section 12 of the Act of 1989 under the principle of one game one body.

42. Learned senior counsel submits that the appellant failed to specify the provision of MSR Act, 1989 which has been claimed to have been violated by the Hockey Manipur at the time of amalgamation of Manipur Hockey Association and Manipur Women Hockey Association. Appellant has raised the issue of amalgamation of Manipur Hockey Association and Manipur Women's Hockey Association in the Writ Appeal only although the same was never raised before the Learned Single Judge in WP (C) No. 724 of 2019.

43. He submits that the resolution to amalgamate Manipur Hockey Association and Manipur Women's Hockey Association was made unanimously in the Joint Meeting held on 29.06.2009

and the same was duly communicated to the Manipur Olympic Association as against the claim made by the Appellant in the Writ Appeal. Appellant failed to appreciate the fact that many players from Hockey Manipur have also represented the state of Manipur in many occasions. The Learned Single Judge has upheld the Order dated 22.01.2018 issued by Secretary (Cooperation). Government of Manipur wherein the Manipur Hockey was directed to change its name and alter its memorandum within 3 (three) months from the date of receipt of the order. Therefore, he submits that, no ground is made out by the appellant for interference to the impugned judgment and order passed by the learned Single Judge and as such the Writ Appeal may be dismissed.

44. He submits that the Appellant has submitted that the letter dated 14.01.2019 by the Registrar of Societies, Manipur to the Deputy Advocate General is written with bias motive, however, the Appellant has failed to challenge the said letter in any proceeding before the competent jurisdictional court till date.

45. He further submits that that as provided under Form No. 3A of the Gauhati High Court Rules, 2015, all Affidavit in Oppositions and Counter Affidavits filed in the writ petition must be annexed in the writ appeal however the present Appellant has failed to annex the Affidavit in Opposition filed by Respondent No. 2 in WP (C) No. 724 of 2019. As provided under Order XLI Rule 27 of the Code of Civil Procedure, 1908 provides that the parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary in the Appellate Court. The Appellant has failed to seek leave of the Hon'ble Court prior to filing the Additional Affidavits on 12.10.2023 in the present Writ Appeal.

46. The learned Senior counsel appearing for the respondent No.3 has relied upon the following cases of the Hon'ble Supreme Court:

(1) ***Mrs. Akella Lalitha vs. Sri Konda Hanumantha Rao and another***, reported in ***AIR 2022 SC 3544***.

(2) ***State of Jammu and Kashmir and others vs. Ajay Dogra***, reported in ***(2011) 14***

SCC 243,

- (3) ***Messrs. Trojan and Co. vs. RM. N.N. Nagappa Chattiar***, reported in ***AIR 1953 Sup. Court 235***,
- (4) ***Central Coalfields Limited and another vs. SLL-SML (Joint Venture Consortium) and others***, reported in ***(2016) 8 SCC 622***,
- (5) ***Babu Verghese & others vs. Bar Council Of Kerala & others***, reported in ***(1999) 3 SCC 422***,
- (6) ***Bhagwati Prasad vs. Chandramauli***, reported in ***AIR 1966 SC 735***,
- (7) ***Ram Sarup Gupta (dead) By L. Rs. vs. Bishun Narain Inter College and others***, reported in ***AIR 1987 Supreme Court 1242***
- (8) ***Modern Insulators Ltd. vs. Oriental Insurance Co. Ltd.***, reported in ***(2000) 2 SCC 734***,
- (9) ***Asian Resurfacing of Road Agency Private Limited and another vs. Central Bureau of Investigation***, reported in ***(2018) 16 SCC 299***,
- (10) ***Asha vs. Pt. B.D. Sharma University of Health Science and others***, reported in ***(2012) 7 SCC 389***,
- (11) ***State of Assam vs. Union of India and others***, reported in ***(2010) 10 SCC 408***,
- (12) ***Naseem Bano (SMT) vs. State of Uttar Pradesh and others***, reported in ***1993 Supp (4) SCC 46***,
- (13) ***State of Jammu and Kashmir and others vs. Ajay Dogra***, reported in ***(2011) 14 SCC 243***,

47. We have considered the submissions of learned counsel for the parties and perused the judgment and order 20.07.2022 of the learned Single Judge.

48. As noted in the beginning, the two Writ Petitions have been filed being WP(C) No.724/2019 by the respondent No.3 for implementation of the order dated 22.01.2018 and

the WP(C) No.916/2019, filed by the appellant to quash and set aside the order dated 22.01.2018, issued by the Secretary (Cooperation), Government of Manipur. The order dated 22.01.2018, issued by the Secretary (Cooperation), Government of Manipur, directed the appellant to change its name and alter its memorandum within three (3) months from the date of receipt of the order, in terms of the Section 11 of the MSR Act, 1989 and Rule 14(9) of the MSR Rules, 2004. It is noticed that the said order was issued on the ground that when two Societies under the name and style of Manipur Hockey Association and Manipur Women Hockey Association being Registration No.2002 of 1976, dated 26.10.1976 and Registration No.1994 of 1976, dated 23.10.1976 are already existing registered societies, registration of a similar society under the name and style of Manipur Hockey (i.e. appellant herein) on 12.11.2009 is a clear violation of Section 10 of the MSR Act, 1989. It is also noted that the said order was issued considering the observation of the Court's order dated 19.12.2017, passed in WP(C) No.526/2017, whereby the summons dated 01.07.2017, issued for reconciliation was set aside, however, it has observed that it is open to the State Government to proceed in accordance with law, as regards the registration of Societies pertaining to Hockey Sports in Manipur, keeping in mind all circumstances.

49. To analyze and appreciate, we deem it appropriate to refer to relevant provisions of the MSR Act, 1989, which are quoted here-in-below:

“Section 10. Name of the Society :-

No society shall be registered under a name which is identical with or too nearly resembles, the name of any other society or anybody corporate which has been previously registered or incorporated under this Act or and other law for the time being in force, as the case may be, or is deemed to have been registered under this Act.

Section 11. State Government may direct change of name :-

(1) If a society is registered under a name, or alters its name to another, name which in the opinion of the State Government is identical with or too nearly resembles the name of any other society or body corporate which have been previously registered or incorporated under this Act or any other law for the time being in force or being deemed to have been registered

under this Act. continues to exist, the State Government may by order made in this behalf direct such society to change its name and alter its memorandum within three months from the date of the order on such longer period as the State Government may think fit to allow.

(2) No change of name shall affect the right and liabilities of a society or any legal proceedings by or against the society.

Section 12. Societies to have power to amalgamate with another society:-

(1) Whenever two or more societies desire to amalgamate, the governing body of each such society shall submit a joint proposal in writing to the Registrar for his prior approval thereto.

(2) No such proposal shall have effect unless the proposal, with the modification, if any, suggested by the Registrar is confirmed by three-fifths of the joint members of the societies concerned.

(3) An appeal shall lie to the State Government against any order of the State Government on such appeal shall be final.

(4) On the proposal being confirmed -

- (a) The amalgamated society shall be registered under its new name;
- (b) The registration of the amalgamating societies shall be cancelled; and
- (c) The assets and the liabilities of the amalgamating societies shall be the assets and the liabilities of the amalgamated society."

50. On the bare reading of the above provisions, it is noticed that under Section 10, it is provided that no society shall be registered under a name which is identical with or too nearly resembles, the name of any other society or any body corporate which has been previously registered or incorporated under this Act or any other law for the time being in force, as the case may be, or is deemed to have been registered under this Act. Section 11 provides that if a society is registered under a name, or alters its name to another, name which in the opinion of the State Government is identical with or too nearly resembles the name of any other society or body corporate which have been previously registered or incorporated under this Act or any other law for the time being in force or being deemed to have been registered

under this Act, continues to exist, the State Government may by order made in this behalf direct such society to change its name and alter its memorandum within three (3) months from the date of the order on such longer period as the State Government may think fit to allow. Section 12 provides that whenever two or more societies desire to amalgamate, the governing body of each such society shall submit a joint proposal in writing to the Registrar for his prior approval. No such proposal shall have effect unless the proposal, with the modification, if any, suggested by the Registrar is confirmed by three-fifths of the joint members of the societies concerned. It further provides that on the proposal being confirmed, the amalgamated society shall be registered under its new name, the registration of the amalgamating societies shall be cancelled and the assets and the liabilities of the amalgamating societies shall be the assets and the liabilities of the amalgamated society.

51. The MSR Rules, 2004 has been framed in exercise of the powers conferred under Section 31 of the MSR Act, 1989. Rule 13 pertains to similar or nearly similar names and identification under Section 10 which provides that when an application for registration is received, it shall be examined in the office of the Registrar of Societies, whether societies of similar or nearly similar names have already been registered in the office. Other books of records, which may give a clue to this, shall also be checked up. The same process shall be done when a proposal or decision for change of name of society is in receipt. Before registration and change of names publications shall be made by the society in the widely circulated local newspapers inviting objection to the registration under the name or change of the name. The objections shall be submitted within 15 (fifteen) days from the date of publication to the Registrar of Societies. Rule 15 pertains to procedure to amalgamate with another Society under section 12 which provides that the societies intending to amalgamate shall discuss the proposal for amalgamating the societies in separate meetings of its governing body of the societies and resolution shall be taken to the effect that the societies be amalgamated as per provision of the Act. Joint meeting of the Governing Body shall be held thereafter. Joint proposal of the amalgamation of the societies shall be submitted to the Registrar of Societies for approval. The proposal shall be signed jointly by the governing bodies of the societies. The proposal shall be accompanied with proper justifications and the

mode of amalgamation'. Particulars of the assets and liabilities to be transferred shall also be annexed to the proposal. The Registrar of Societies may call for other details and instruct the societies for modification in the mode of amalgamation. On receipt of the approval of the Registrar of Societies the proposal shall be discussed in the joint General Body Meeting of the societies called for the purpose. Proceedings of the joint meeting of the members of the societies shall be submitted to the Registrar of Societies along with a detailed report of the assets and liabilities of the amalgamated societies transferred to the amalgamating society. The Registrar of Societies shall not discuss the amalgamation until and unless the assets and liabilities of the amalgamated societies are transferred to the amalgamating society. All the registration certificates, the memorandum and the regulations of the amalgamated societies shall be, submitted to the Registrar of Societies as soon as the amalgamation is approved by him. The registration of the amalgamated societies shall be cancelled and the cancellation shall be published in the Official Gazette. Copies of the cancellation shall be sent to all concerned. The Registrar of Societies shall issue a certificate of registration and a notification in the name of the amalgamating society in form "Ic and all necessary entries shall be done. The notification shall be published in the Official Gazette. The Registrar of Societies for reasons to be recorded in writing may refuse the proposal for amalgamation. The refusal shall be intimated within thirty days from the receipt of the proposal stating proper reason. An appeal if it is to be filed against the refusal of the Registrar of Societies shall be made to the State Government within thirty days from the receipt of the refusal. The appeal of the State Government shall be signed by the President or the Secretary of the Society. The Registrar of Societies shall act according to the directive of the State Government.

52. On consideration of the record, it reveals that prior to amalgamation of Manipur Hockey Association and Manipur Women's Hockey Association as Hockey Manipur/Respondent No.3, the President of Manipur Women's Hockey Association has filed an appeal before the Commissioner/Registrar of Societies challenging the registration of Manipur Hockey dated 12.11.2009. During the pendency of the said appeal, the Registrar of Societies allowed the registration of the amalgamated society called Hockey Manipur/Respondent No.3, by allotting registration No.419/M/SR/2010 and had also issued an order on 21.01.2010 cancelling the

registration number allotted to the erstwhile Manipur Hockey Association and Manipur Women's Hockey Association. Assailing the registration certificate granted to the Appellant/Manipur Hockey, Hockey Manipur/Respondent No.3 filed WP(C) No.435/2010. By the order dated 17.03.2016, the Court disposed of the said writ petition and without making any observation as regards the merit of the case of the respective parties, directs the Respondent No.1 to dispose of the representation dated 04.01.2010 submitted by the petitioner/Respondent No.3 herein by issuing a speaking order in accordance with law.

53. Pursuant to the order in WP(C) No.435 of 2010, the Principal Secretary (Cooperation), Government of Manipur, after hearing the Appellant/Manipur Hockey and Respondent No. 3/Hockey Manipur, passed an order dated 02.08.2016 disposing of the appeal dated 04.01.2010 by giving an opportunity to both the parties to reconcile and come under a common banner within 6 (sox) months in the best interest of the Hockey sports and players. Thereafter, by the order dated 22.05.2017, the Principal Secretary (Cooperation) passed an order cancelling the registration of Appellant/Manipur Hockey with immediate effect and notified Hockey Manipur as genuine State Level Association for the game of Hockey in the State of Manipur.

54. Being aggrieved by the order dated 22.05.2017, the Appellant/ Manipur Hockey filed WP(C) No.391 of 2017, and during pendency of the said writ petition, the Principal Secretary has withdrawn the said order dated 22.05.2017 (whereby it cancelled the registration of Manipur Hockey). After issuance of the withdrawal order dated 14.06.2017, Hockey Manipur submitted representation dated 27.06.2017 to the Principal Secretary (Cooperation) praying for cancellation of the registration of Manipur Hockey. Thereafter, the Deputy Secretary (Cooperation) issued summons on 01.07.2017 to both the Appellant/ Manipur Hockey and Hockey Manipur/Respondent No.3, for appearance on 10.07.2017. Aggrieved by the issuance of summon dated 01.07.2017, the Appellant/Manipur Hockey filed the WP(C) No.562/2017. By an interim order dated 31.07.2017, the Court directed the Secretary, MOA to explore possibility of having a common society relating to hockey and to submit a report including suggestion, if any. Pursuant to the interim order, the Secretary, MOA submitted a report dated

12.08.2017 stating that Manipur Hockey is an affiliated unit of MOA and also making suggestion to the Court to advise the national sports federation for bringing an amicable solution. Vide order dated 19.12.2017 in WP(C) No.562 of 2017, the writ petition was allowed and the summon dated 01.07.2017 was quashed. However, the Court observed that it is open to the State Government to proceed in accordance with law as regards the registration of a society pertaining to Hockey sports in Manipur.

55. As noted above, the registration of Societies in Manipur is regulated by the provisions of MSR Act, 1989. Section 7 provides for registration of society. Section 10 provides that no society shall be registered under a name which is identical with or too nearly resembles, the name of other society or anybody which has been previously registered or incorporated under the act or any other law for the time being in force, as the case may be or is deemed to have been registered under this act. Section 11 provides for change of the name of a society in respect of certain circumstances as detailed in the act itself. Rule 14 of the MSR Rule, 2014 and in particular, Sub-Rule 9 provides that in case the society refuses to change the name to alter the memorandum within the specified time in the order of the State Government, the registration of the society shall automatically stand cancelled from the next date of the time specified in the order of the State Government. The cancellation shall be published in the Official Gazette by way of notification. Copies of the notification shall be given to all concerned including the society. The Registrar of societies shall make a report to the State Government in this regard.

56. On perusal of the provisions of the act, it appears that there is no any provision under the Act for cancellation of the registration of a society except under the proceeding initiated under Section 11 read with Rule 14(9), with regard to the change of name. Rule 14(9) provides that in case any society refused to change the name despite instruction being given by the State Government, the registration stands automatically cancelled.

57. It transpired that the respondent authorities, upon enquiry and a detailed analysis of the

matter, the order dated 22.01.2018 was passed holding that when two societies namely Manipur Women's Hockey Association and Manipur Hockey Association are already in existence, which are registered societies, registration of similar society under the name and style of Manipur Hockey on 12.11.2009 is in clear violation of Section 10 of the MRS Act, 1989 and, accordingly, directed Manipur Hockey to change its name and alter its memorandum. Challenging the order dated 22.01.2018, the Appellant/Manipur Hockey filed the WP(C) No.124/2018. Vide order dated 30.08.2019, the writ petition was dismissed on the ground of non-joinder of necessary party. However, while dismissing the writ petition, Court granted liberty to Manipur Hockey to approach any appropriate forum, for redressal of its grievances in accordance with law.

58. On consideration of the record, it is noticed that the appellant/Manipur Hockey was formed and registered on 12.11.2009, Hockey Manipur got registered subsequent to it on 21.01.2010. The Hockey Manipur/Respondent No.3, was formed by amalgamation of two oldest registered societies namely Manipur Hockey Association and Manipur Women's Hockey Association. A special joint executive committee meeting of the Manipur Hockey Association and Manipur Women's Hockey Association was held on 28.06.2009 and in the said special joint meeting it was resolved that Manipur Hockey Association and Manipur Women's Hockey Association be amalgamated into one unified body called Hockey Manipur. In pursuance of the said resolution an order dated 29.06.2009 was issued by the Secretary of the Hockey Manipur Association to the effect that the two associations, i.e. Manipur Hockey Association and Manipur Women's Hockey Association is amalgamated and formed an unified body called Hockey Manipur.

59. As observed by the learned Single Judge that there is no dispute that Manipur Hockey Association and Manipur Women's Hockey Association were registered in the year 1976. Though the formation of Manipur Hockey has been recognized by Manipur Olympic Association as well as Hockey India, the registration of Manipur Hockey was done when the registration of Manipur Hockey Association and Manipur Women's Hockey Association was in force which is evident from the certificate dated 21.01.2010 issued by the Registrar of

Societies. Though the registration of Hockey Manipur was given on 21.01.2010, the process for amalgamation was started in the month of June, 2009 which is evident from the status report submitted by the Registrar of Societies.

60. The learned Single Judge has clearly recorded that based on the materials produced by the parties, in terms of letter dated 01.06.2009 of the Indian Olympic Association, the Manipur Olympic Association vide its letter dated 27.06.2009 invited the President, Manipur Hockey Association and Manipur Women Hockey Association for a joint meeting for the formation of a single association. Both the associations agreed for merger and after completion of all formalities, they stood amalgamated into a single society. While following the lengthy process and taking advantage of the situation the President, Manipur Olympic Association, an ad-hoc committee was constituted, which got Manipur Hockey registered as a society, which was recognized even before its registration. Pending amalgamation of the aforesaid two associations, Manipur Hockey got registered, which is not the intention of the Indian Olympic Association. The Manipur Olympic Association informed the two associations for formation of a single association and the ad-hoc committee has no right to form Manipur Hockey and got registered. Since Manipur Hockey Association and Manipur Women's Hockey Association are very old registered associations and decided to be amalgamated as Hockey Manipur and the process started during June, 2009 itself, we concurred with the learned Single Judge that the formation of Appellant/Manipur Hockey is nothing but an association formed by violating the procedure laid down under the MSR Act, 1989 and the MSR Rules, 2004. Manipur Hockey registered under Section 7(1) of the Act, whereas Hockey Manipur is an amalgamated society registered under Section 12 of the Act. We are also of the view that though after formation of Manipur Hockey and Hockey Manipur both the Societies have produced good hockey players, sanctity has to be given to the old associations which got amalgamated on 21.01.2010 as Hockey Manipur. The order dated 22.01.2018 has been issued by the Secretary (Cooperation), after analyzing the matter in a proper perspective and in accordance with applicable provisions of the Act and Rules.

61. We take note that the challenge to the impugned order dated 22.01.2018 has been

made by Manipur Hockey mainly on the ground that the respondent with an ulterior, preconceived and premeditated motive to cancel the registration of Manipur Hockey has passed the said order. No challenge has been laid to the process of amalgamation. It is admitted by the learned Senior counsel for the Appellant and by his own showing, the challenge is sought to be made during the pendency of present writ appeals, which is said to be pending before the High Court of Manipur.

62. We are in agreement with the learned Single Judge that when Manipur Women's Hockey Association and Manipur Hockey Association were the existing registered societies, the registration of similar society under the name and style Manipur Hockey was done, that too after the amalgamation process was initiated. As per Section 10 of the Act, no society shall be registered under a name which is identical with or too nearly resembles the other. At the time of registration of the appellant/ Manipur Hockey, the above two old registered societies were functional and admittedly their registrations were not cancelled. The State authorities ought not to have registered the appellant/Manipur Hockey. Therefore, in our view, the registration of the Appellant/Manipur hockey is in the teeth of the mandates of the relevant provisions of the MSR Act, 1989 and the MSR Rules, 2004 as it is settled principle of law that where a power is given to do a certain thing in a certain manner, the thing must be done in that way or not at all.

63. We are also in agreement with the learned Single Judge that when an identical name exists, Section 10 of the Act clearly prohibits registration of such society which is identical with or too nearly resembles. There is no dispute as being admitted by the appellant/Manipur Hockey that at the time of its registration, Manipur Hockey Association and Manipur Workmen's Hockey Association were in existence. It is clear that at the time of formation of Manipur Hockey under Section 7(1) of the MSR Act, 1989, the two societies, namely Manipur Hockey Association and Manipur Workmen's Hockey Association were in existence and, thus, there is a violation of Section 10 of the MSR Act, 1989 in the registration of Manipur Hockey. Since the Section 11 of the MSR Act, 1989 provides change of name, the Secretary (Cooperation) has rightly directed the Appellant/Manipur Hockey to change its

name. The Hockey Manipur/Respondent No.3, has been formed by way of amalgamation of the erstwhile Manipur Hockey Association and Manipur Women's Hockey Association under Section 12 of the Act and their amalgamation process started before registration of Manipur Hockey. Since the Hockey Manipur/Respondent No.3, is an amalgamated of the previous two societies which were registered in the year 1976, it would be appropriate to continue Hockey Manipur in its name for betterment of hockey game in the State of Manipur.

64. Having considered the materials on record and the impugned common judgment and order dated 20.07.2022, we find no infirmity in the impugned common judgement and order dated 20.07.2022. Since the registration of Appellant/Manipur Hockey is in violation of Section 10 of the MSR Act, 1989, the Secretary (Cooperation) has rightly directed Manipur Hockey to change its name and alter its memorandum, which is in accordance with the provisions of Act and Rules.

65. We have perused and considered the case laws relied by the learned counsel for the parties and have found that the case laws are settled propositions which requires no consideration for the purpose of the present writ appeals.

66. In view of what has been discussed here-in-above, we find no infirmity in the impugned common judgment and order dated 20.07.2022, passed by the learned Single Judge, in WP(C) No.724/2019 and WP(C) No.916/2019. Thus, we affirm the same.

67. Accordingly, the Writ Appeals are dismissed, being devoid of merit. However, parties to bear their own costs.

JUDGE

JUDGE