

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.39726 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The application of the petitioner – Society for updating of records as per Section 9 of the Andhra Pradesh Societies and Registration Act, 2001 (for short, 'the Act') was rejected under the impugned acknowledgment of the Registrar of Societies, Visakhapatnam, the 2nd respondent, on the ground that a legal notice was received from two persons, who are stated to have made rival claim under Section 23 of the Act.

Learned counsel for the petitioner, however, has placed on record the orders, dated 18.11.2014, of the Principal District Judge, Visakhapatnam, dismissing O.P.Nos.1053 and 1124 of 2007 for default. Both the said O.Ps. were filed by an objector, who gave notice to the Registrar. Since the O.Ps. were already dismissed in November, 2014, it is not evident as to whether the 2nd respondent was aware of the dismissal of the said O.Ps.

Hence, the impugned acknowledgment is set aside and the matter shall stand remitted to the 2nd respondent for re-consideration of the request of the petitioner and pass appropriate orders. The 2nd respondent is at liberty to get it confirmed from the Principal District Judge, Visakhapatnam, regarding pendency or otherwise of O.P.Nos.1053 and 1124 of 2007, as having been dismissed for default and not yet restored and thereafter process the application of the petitioner.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

08.12.2015

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