

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE TWENTY SEVENTH DAY OF APRIL TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.376 of 2006

Between:

The Convention of Baptist Churches
of Northern Circars (CBCNC),
A society registered under the provisions of
Societies Registration Act,
Rep. by its Secretary and authorized Signatory,
P. Palus, S/o. Satyananandam, Aged 57 years,
Occ: Social Service, Ashoknagar,
Vijayawada, Krishna District.

.. Petitioner

AND

The Government of Andhra Pradesh,
Rep. by its Commissioner and Inspector
General of Stamps and Registration,

BKT Towers Golconda X Roads,
Musheerabad, Hyderabad & another

.. Respondents

The Court made the following:

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ORDER:

The petitioner is the society registered under the Societies Registration Act, 1860. The main objects of the society are to establish institutions, schools, hospitals, orphanages and hostels and promoting the furtherance of the gospel

in the establishment through the churches and associations. There are about 300 churches and 200 schools, which are under the control of the petitioner's society. A General Body Meeting was held from 14.01.2002 to 16.01.2002 wherein unanimous resolution was passed to continue the governing body for the period from 2001 to 2006. Accordingly, the list of office bearers was sent to the District Registrar, East Godavari at Kakinada (2nd respondent) through letter, dated 17.01.2002, requesting him to record the office bearers, who are elected in the meeting in the month of January, 2002. The same was returned by the second respondent in his proceedings, dated 08.05.2001, stating that there were disputes regarding the management of the society and those disputes should be resolved under Section 23 of the Andhra Pradesh Societies Registration Act, 2001 (for short, 'the Act 2001'). Aggrieved by the same, this writ petition is filed.

2. Earlier also, the same writ petitioner filed W.P.No.320 of 2003 against a similar rejection given by the District Registrar, East Godavari District, Kakinada, vide his proceedings, dated 02.02.2002. The writ petition was disposed of by order, dated 18.03.2003, directing the District Registrar, East Godavari District, Kakinada, to consider the representation submitted by the petitioner in the light of various orders, which are already passed and pass necessary orders. In pursuant to the directions issued by this Court in the above writ petition, the present order impugned in this writ petition is filed. In this writ petition also, the same view is taken by the District Registrar directing the petitioner to resolve the *inter se* dispute by resorting to the provision under Section 23 of the Act 2001.

3. Learned counsel for the petitioner submits that even after 2006 also, the same executive body is continuing and each time when a request is made to the District Registrar to register the new elected body and to issue a certificate in this regard, the District Registrar continued to take the same stand and, therefore, even though the subject matter of the writ petition is concerning the executive body elected for the period 2001-2006, unless the issue is considered and decided, the same act would be hunting the petitioner society. Learned counsel for the petitioner submits that the provision in Section 23 of

the Act 2001 does not vest power in the District Registrar to resolve disputes among the members of the association or executive body. The District Registrar is no way concerned with the *inter se* disputes with reference to the receipt of intimation of selection of executive body and giving certificate of election of the executive body.

4. Learned Government Pleader on the contrary submits that since there is long pending dispute among the members of the petitioner's society and that several claims and counter claims are made, the District Registrar felt that it is desirable that the issue is resolved by resorting to the provision contained in Section 23 of the Act 2001 and, therefore, by the orders impugned, he has advised the petitioner to avail the appropriate remedy. Learned Government Pleader, therefore, submits that there is no illegality or irregularity in the order passed.

5. Section 23 of the Act 2001 reads as under:

“Dispute regarding management:- In the event of any dispute arising among the Committee or the members of the society, in respect of any matter relating to the affairs of the society, any member of the society may proceed with the dispute under the provisions of the Arbitration and Conciliation Act, 1996, (Central Act 26 of 1996) or may file an application in the District Court concerned and the said Court shall after necessary inquiry pass such order as it may deem fit.”

6. On plain reading of the provision, it is clear that in the event of any dispute arising among the committee or the members of the society, the members of the society can proceed with the dispute under the provisions of the Arbitration and Conciliation Act, 1996, or he may file an application in the District Court concerned. Thus, it only gives legal remedy to an aggrieved person against any issue concerning the society and provides forum for resolution of those disputes. The said section is not concerned with an application filed by the elected body to register the elected body and to receive the list of elected body members and to issue a certificate in that regard. By merely issuing a

certificate in that regard, no rights accrue to the elected members and does not take away the right of any other person to agitate in terms of the mandate of Section 23 of the Act 2001.

7. Be that as it may, the District Registrar erred in looking into the issue by resorting to Section 23 of the Act 2001. He is not vested with power to resolve with the *inter se* disputes. Unless he disputes the authenticity of the election of the new executive body, he cannot refuse to receive and issue a certificate accordingly. Thus, the District Registrar erred in referring to Section 23 of the Act 2001 and directing the petitioner society to approach the Civil Court for resolution of dispute. In the said manner, he acted beyond his powers and, therefore, he invoked the jurisdiction and competence. He has also not complied with the directions of this Court in W.P.No.320 of 2003.

8. Having regard to the same, the decision of the District Registrar, East Godavari, Kakinada (2nd respondent) impugned in the writ petition is set aside. The second respondent is directed to receive any requisition made from the elected body of the petitioner society and to deal with the said requisition in accordance with law without regard to provision contained in Section 23 of the Act 2001.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 27th April, 2015

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