

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41238 of 2016

ORDER:

1) Heard learned counsel for the petitioners and Government Pleader for Revenue. With consent of both the parties, the writ petition is taken up for hearing at the admission stage itself.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the Letter No.G1/ 1393/ 2014, dated 04.10.2016 issued by respondent No.2 in returning the list of Members to the newly elected Managing Committee of petitioner No.1 for the year 2016-2017, as arbitrary, illegal and contrary to the procedure contemplated under the provisions of the Andhra Pradesh Societies Registration Act, 2001 (for short "the Act"); and consequently direct respondent No.2 to receive the list of the Members of the Newly Elected Managing Committee of petitioner No.1 for the year 2016-2017.

3) Petitioner No.1 is a society registered under the Act. It was initially registered on 09.05.1989. As per Bye-laws of the society, election to the office bearers and Executive Committee Members of the Society was held on 17.09.2016. As per Section 9 of the Act, the petitioners have intimated the said election to the second respondent through letter dated 23.09.2016 and submitted a list of its Managing Committee members for its registration which was received by the second respondent on the same day. Subsequently, vide letter dated 04.10.2016 the second respondent returned the list of Managing Committee instead of registering the same. Challenging the same, the present writ petition came to be filed.

4) Section 9 of the Act requires the Registrar to accept the list of names and addresses of the members of the Managing Committee and the officers entrusted with the management of the affairs of the society. This list is to be filed by the society within 15 days from the date of holding the election in the general body meeting.

5) In the present case, the election were held on 17.09.2016 and the results thereof, including the names and addresses of the persons elected, were furnished to the second respondent vide letter dated 23.09.2016. Section 9 requires that the second respondent shall receive and register the same for the purpose of record. Nothing more is required to be done by the second respondent in this regard. He has no authority to entertain a doubt as to the validity of the election or disputes, if any, in connection therewith.

6) Accordingly, the writ petition is disposed of directing the second respondent, to receive the list under acknowledgment, for the purpose of recording the names and addresses of the members of the Managing Committee of petitioner No.1 society, in accordance with section 9 of the Act. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.12.2016
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