

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36294 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to respondents 4 to 11.

3. The present writ petition came to be filed with the following prayer:

“to issue a writ, order or direction, more particularly one in the nature of Mandamus, declaring the impugned in action of the 1st to 3rd Respondents herein viz., not considering and not allowing the Petitioners' Representations/ Petitions dated: 05-05-2016, & 25-05-2016, by not delisting and not removing the defunct & illegal Society/ the 4th Respondent herein, viz., *Jamiat Ahl-e-Hadees For. Educational & Welfare*, bearing Registration No. 1688 of 2004, [which is carrying on unlawful activities,] from the Register / Record / List of the Registered Societies, of their Office Record both manual and digitalized / computerized, as per the law, as illegal, arbitrary, unconstitutional and thereby infringing and violating and depriving the Petitioners herein, from the enjoyment of their fundamental right to life, guaranteed Under Article 21 of [The] Constitution of India, and to direct the 1st to 3rd Respondents herein, to re-consider and allow the Petitioners'

Representations / Petitions dated: 05-05-2016, & 25-05-2016 and henceforth delist and remove the defunct & illegal Society, / the 4th Respondent herein, viz., *Jamiat Ahl-e-Hadees For Educational & Welfare*, bearing Registration No. 1688 of 2004, [carrying on unlawful activities], from the Register / Record / List of the Registered Societies, of their Office Record both manual and digitalized / computerized as per the law.”

4. Though various grounds are raised, learned counsel for the petitioners submits that the 3rd respondent is not the competent authority to cancel or enquire any dispute under Section 23 of the A.P., Societies Registration Act, 2001 (for short, ‘the Act’) and hence seeks a direction to the respondents to consider the representation made by the petitioners.

5. Learned Government Pleader for Revenue submits that as the representation made by the petitioners was already rejected, considering the same representation again would not arise.

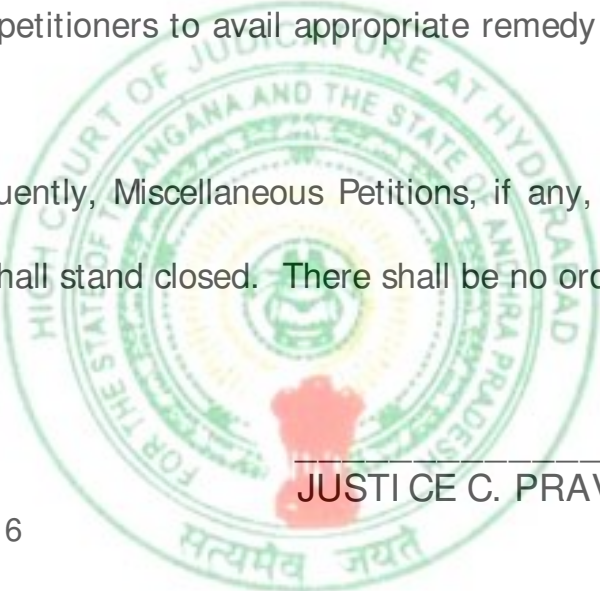
6. A perusal of the record would show that the petitioners made an application to the 3rd respondent – District Registrar to remove the 4th respondent society from the list of registered societies, which was rejected on 14.06.2016. Subsequently, the 2nd respondent - Commissioner and Inspector General of Registration and Stamps Department, Telangana, Hyderabad, passed an order directing the petitioners to get their grievance redressed, if any, under Section 23 of the Act.

7. The appropriate remedy for challenging the impugned order is elsewhere, but not by way of representation. In fact, the orders came to be passed by the Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad and also by the District Registrar basing on the representation made by the petitioner. Therefore, direction to consider the representation as sought for would not arise.

8. In view of the above, the Writ Petition is disposed of giving liberty to the petitioners to avail appropriate remedy available under law, if any.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date:16.11.2016
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JUSTICE C. PRAVEEN KUMAR