HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31655 OF 2016

ORDER:

This writ petition is filed challenging the notification dated 06.09.2016 issued by the 4th respondent for conducting elections to be held on 20-21st September, 2016 for Central Guntur Synod, as illegal and arbitrary.

Learned counsel for the petitioner submits when the 4th respondent tried to appoint other person in place of the petitioner as parish pastor of Lutheran Church, the petitioner filed O.P.No.1603 of 2016 and obtained interim injunction in I.A.No.1410 of 2016. Similarly, I.A.No.2013/2015 was also filed in S.O.P.No.458/2015 against the 4th respondent by one Rev.C.Elia. He also submits that pending the above said petitions, the issuance of election notification dated 06.09.2016 by the 4th respondent is illegal and arbitrary.

Heard the learned Assistant Government Pleader for Stamps and Registration.

It is to be seen that there is an alternative remedy for deciding the dispute between the petitioner and members of the society under Section 23 of the Societies Registration Act, 1860 and the disputed questions of fact raised by the petitioner cannot be decided in the writ petition exercising

power under Section 226 of Constitution of India. Therefore, I am not inclined to entertain the writ petition.

Accordingly the writ petition is dismissed. However, it is open for the petitioner to avail alternative remedy available under Section 23 of the Act. No costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

21-09-2016
dv

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते