

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

Writ Appeal No.834 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the petitioners in W.P.No.27129 of 2016 aggrieved by the order of the learned Single Judge dated 16.08.2016 dismissing the writ petition on the ground that the petitioners had an effective alternative remedy under Section 23 of the Telangana Societies Registration Act, 2001 (for short "the Act"). In the writ petition the appellants herein questioned the action of the 2nd respondent-District Registrar in registering the amendment to the Memorandum of Association regarding change of executive committee by incorporating the names of respondents 3 to 9 herein in the place of the existing body of the petitioner-association, by invoking the provisions of Section 8 of the Act.

Section 8 of the Act relates to amendment of the memorandum and bye-laws. While Section 8(1) of the Act enables a society to alter the provisions of the memorandum by a "Special Resolution", Section 8(4) of the Act stipulates that, if any alteration of the memorandum is filed with the Registrar and if they are not contrary to the provisions of the Act, he shall register the same and shall certify registration of such alteration under his hand and seal within thirty days from the date of receipt of the resolution, and the certificate shall be conclusive evidence that all the requirements of the Act, with respect to the alternation and the certification thereof, have been complied with; and henceforth the memorandum, as so altered, shall be the memorandum of the

society. Section 8(5) of the Act stipulates that every alteration in the bye-laws of the society should be sent to the Registrar, and he shall take it on record if it is not contrary to the provisions of the Act. Section 9 of the Act relates to filing of the annual list and, thereunder, every year the society shall, within fifteen days from the date on which the General Body meeting is held, furnish a list to the Registrar of Societies which shall contain the names and addresses of the members of the Managing Committee, and of the Officers entrusted with the management of the affairs of the society.

The requirement under Section 9 of the Act is for a list, of the members of the managing committee of every society, to be furnished to the Registrar. The requirement of furnishing the list does not relate to registration of the alteration of the memorandum of the society under Section 8(4) of the Act, or taking on record an alteration of the bye-law of the society under Section 8(5) of the Act.

Learned Government Pleader for Revenue would submit that the Registrar has merely received the documents, and nothing more; and the nomenclature “amendment of memorandum of association by change of executive committee” should not be read out of context or understood as a change in either the memorandum of the society or in its bye-laws. It is wholly unnecessary for us to dwell on this aspect, as the validity of the election of the managing committee, in the general body meeting of the society, could not have been, and was not, gone into by the Registrar while receiving the list of members of the managing committee under Section 9 of the Act. The appellants’ claim that

respondents 3 to 9 are not duly elected managing committee members of the society is a question which can only be adjudicated in independent legal proceedings.

Leaving it open to the appellants herein to avail their legal remedies, questioning the validity of the appointment of respondents 3 to 9 as members of the managing committee of the society, the Writ Appeal is dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

20th September 2016
JSU



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Date: 20.09.2016

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