

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40726 OF 2016

ORDER:

This writ petition is filed challenging the proceedings of the 3rd respondent in letter No.E2/300/2016, dated 30.03.2016 refusing to receive the lists of the names of the members of the managing committee submitted by the petitioner in terms of Section 9 of the A.P. Societies Registration Act, 2001 (for short 'the Act of 2001') and further directing the petitioner to seek redressal as provided under Section 23 of the Act of 2001 as illegal and arbitrary and consequently to direct the respondents to forthwith receive the list submitted by the managing Committee of the petitioner.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that the so-called Joint Secretary of the petitioner-association has filed an affidavit before this Court stating that he never made any such objection. He further submits that the petitioner-society is obligated to file any such list as envisaged under Section 9 of the Act of 2001 and that the petitioner-society has complied with the same. He further submits that the 3rd respondent has no power to adjudicate on the same and that if any person disputes the same, he has to approach under Section 23 of the Act of 2001.

A perusal of the impugned proceedings dated 30.03.2016 passed by the 3rd respondent shows that the 3rd respondent refused to receive the list furnished by the petitioner under Section 9 of the Act of 2001 on the ground that the Joint Secretary of the petitioner-association has objected for the same.

It is pertinent to note that the 3rd respondent, instead of receiving the list of managing committee as furnished by the petitioner-society under Section 9 of the Act of 2001, has directed the petitioner to approach under Section 23 of the Act, which is erroneous, since the 3rd respondent has no power to adjudicate the disputes and even otherwise uphold the objection of third parties. Section 9 of the Act of 2001 reads as follows:

“9.Filing of annual list:- Every year the society shall, within fifteen days from the date on which the General Body meeting was held, furnish a list to the Registrar of Societies which shall contain the names and addresses of the members of the Managing Committee and Officers entrusted with the management of the affairs of the Society.”

A fair reading of Section 9 of the Act of 2001 goes to show that only society has to comply with the same and furnish the list of managing committee members within 15 days from the date on which the General Body Meeting was held. The aforesaid section only deals with the furnishing of list and it does not provide for any adjudication by the 3rd respondent. No doubt, if any member of the Society disputes the list, he can raise the said dispute under Section 23 of the Act of 2001. Section 23 provides that any dispute can be resolved by the mechanism provided under the said provision. Even otherwise, the so-called Joint Secretary of the petitioner association, who is alleged to have given objection for the list before the 3rd respondent, filed an affidavit before this

Court stating that he had not made any representation before the 3rd respondent.

In view of above facts and circumstances, the impugned order of the 3rd respondent dated 30.03.2016 is liable to be set aside and accordingly set aside.

Accordingly, this writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of the writ petition, miscellaneous petitions, if any, pending shall stand closed.

30-01-2017
kvs



A.RAJASHEKER REDDY,J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40726 OF 2016



Date: 30.01.2017

kvs

