

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1052 of 2017

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.3573 of 2017 dated 07.02.2017. The appellants herein, 9 in number, are not parties to the writ petition. They have sought leave of this Court to prefer an appeal against the said order. They are aggrieved by the directions issued, in the order under appeal, to the Registrar of Societies and the District Registrar, Narsaraopet, Guntur District to receive the list furnished by the petitioner-society therein, and acknowledge the same as per Section 9 of the Societies Registration Act, 2001 (for short "the Act").

Section 9 of the Societies Registration Act, 2001 reads as under:

"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."

The obligation placed by Section 9 of the Act is that the society, within 15 days from the date on which the General Body meeting is held, shall furnish a list, containing the names and addresses of the members of the Managing Committee and officers entrusted with the management of the affairs of the society, to the Registrar of Societies. The Society is required to furnish the list within 15 days from the date on which the general body meeting is held. The 1st respondent-writ petitioner complained before the Learned Single Judge that, despite a general body meeting being held on 05.12.2016, the list was not sent.

Sri K. Raja Reddy, learned counsel for the appellants, would draw our attention to the resolution passed in the General Body meeting held on 05.12.2016 that, since there was no quorum to take a decision on the agenda, the meeting would be held on 06.12.2016. Learned counsel would submit, not without justification, that it is only if a validly constituted general body meeting is held, would Section 9 of the Act apply and, as no such meeting was held on 05.12.2016, the directions issued in the order under appeal would fall foul of Section 9 of the Act.

The 1st respondent-writ petitioner invoked the jurisdiction of this Court complaining of failure, on the part of the 2nd respondent in the writ petition, in receiving the list of members of the managing committee, relying on Section 9 of the Act. It was obligatory, therefore, for them to establish that a validly constituted general body meeting was held, in which event alone would Section 9 of the Act apply. As they have not been able to establish that a validly constituted general body meeting was held on 05.12.2016, and as the earlier meeting dated 17.02.2016 is not that of the general body but that of a managing committee, we are satisfied that the order under appeal must be set aside.

The order under appeal is set aside and the Writ Appeal is, accordingly, allowed. Miscellaneous Petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

01st August, 2017
JSU

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Date: 01.08.2017

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