

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.15072 of 2017

ORDER

Heard learned counsel appearing for the petitioner, contesting respondents, and the learned Government Pleader for Co-operation appearing for respondents 1 to 3.

The facts of the case are that petitioner is Sri Durga Malleswara Educational Society registered under the Societies Registration Act *vide* No.105/1969 and it was running educational institutions in and around Krishna District. It established Sathavahana Degree College at Vijayawada and other institutions. There were some disputes with regard to appointment of Secretary of the Society and his discharge of duties. There were allegations relating to the removal of members and conducting meetings of the society. Several writ petitions have been filed in respect thereof. The 3rd respondent issued a Certificate of Registration on 3.4.2017 showing some executive members. Challenging the said certificate and alleging that the executive committee

members shown therein are not eligible members, the present writ petition is filed.

A counter-affidavit is filed on behalf of the 4th respondent stating that he is the officiating President of the Society and as such he has furnished a list containing the names and particulars of the managing committee of the society to the 3rd respondent as required under Section 9 of the Andhra Pradesh Societies Registration Act, 2001, (for short 'the Act'), and the 3rd respondent acknowledged the same on 3.4.2017. It is also stated that he lodged a complaint against the petitioner (Gundavarapu Prajapathi Rao) before the Station House Officer, Satyanarayanapuram Police Station, Vijayawada, and the same was registered as a case in FIR No.119 of 2011 on 23.02.2011 and in that connection, the petitioner was arrested. The 4th respondent also levelled several allegations with which this Court is not concerned. However, it is further stated that the petitioner filed O.S.No.85 of 2017 on the file of XIII Additional District Judge, Krishna District at Vijaywada on 10.4.2017 seeking

permanent injunction restraining the 4th & 6th respondents and another person from interfering with day-to-day activities, affairs or functioning and administration of the society and the said suit is pending. Section 9 of the Act provides for furnishing a list containing the names and addresses of the members of the Managing Committee and the Officers entrusted with the management of the affairs of the society to the Registrar of Societies within 15 days from conducting of General Body meeting.

In view of the manner of disposal of the writ petition, various averments made in the affidavit and the counter affidavit are not being dealt with though the counsel on either side tried to advance arguments on the basis of the averments made thereunder.

It appears that the 4th respondent submitted the list in pursuance of Section 9 of the Act. But the very authority of the 4th respondent in furnishing the list is now disputed by the petitioner. The letter dated 3.4.2017 issued by the 3rd respondent is only an acknowledgment of the list furnished

by the 4th respondent and nothing more. The rights of the parties have to be settled elsewhere and the certificate of acknowledgment dated 3.4.2017 does not confer any right on the persons indicated in the certificate.

In view of the same, this writ petition is disposed of giving liberty to the petitioner and the unofficial respondents to work out their remedies in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

1st August, 2018
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