

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29230 of 2016

ORDER:

1) Cancellation of registration of fifth respondent society or a direction to the fifth respondent to change the name from "Bible Mission" to any other name is subject matter of challenge in the present writ petition.

2) The facts in issue are as under:

The averments in the affidavit filed in support of the writ petition would show that the petitioner herein is said to have been registered under the Societies Registration Act, 1860 vide registration No.66/ 1959 by one Saint Sri M.Devadas Ayyagaru, with certain aims and objects. The main object of the society is to spread Gospel of good news to all masses and to do charitable activities. It is said that every year, from January 27th to 29th, the petitioner society conducts annual conventions in the grounds located near the Nagarjuna University, Guntur and morethan 10 lakh believers would attend the said convention. While things stood thus, some un-scrupulous elements started filing cases and are trying to hamper the functioning of the petitioner society. It is said that the fourth respondent claiming himself to be the President of a society, got a society registered in the name of "Bible Mission" in the year 2015 vide Registration No.311/ 2015, which is causing grave injury to the petitioner's society, as it is

the original society and is in existence since last 57 years. It is the case of the petitioner that the third respondent without conducting any enquiry registered the fifth respondent society which is contrary to the provisions of the Andhra Pradesh Societies Registration Act, 2001. The averments in the affidavit further show that after the registration, the fifth respondent society started their activities across the District informing the public to attend their meetings by displaying the photograph of the founder of the petitioner's society by name Saint M.Devadas Ayyagaru. The inaction of the third respondent to the representation made by the petitioner seeking cancellation of the registration of the fifth respondent society, the present writ petition came to be filed.

3) A counter came to be filed by the fourth respondent, who is representing the fifth respondent, disputing the averments made in the affidavit filed in support of the writ petition. It is stated that the society which was registered on 22.07.1959 with registration No.66/ 1959 by the founder member Sri Devadas Ayyagaru is "The Bible Mission" but not "Bible Mission". The said Saint Devadas Ayyagaru died about 15 years back and the fifth respondent society is the active society. The averments in the counter also show that earlier the fifth respondent filed W.P.No.15006 of 2007 before this Court to declare the functioning of Bible Mission as injurious to the members of the society and in the said writ petition Rev. J.Samuel Kiran was arrayed as eleventh respondent. The said writ petition was dismissed for default on

10.06.2009. It is said that though Dr.J.Samuel Kiran is not member of "The Bible Mission", he continued to conduct meetings and annual conventions in the name of late Devadas Ayyagaru, which is attended to by some of the believers. It is the case of the respondents that the fourth respondent along with others formed a society in the name of "Bible Mission" and as there were no objections from any quarters, the third respondent registered the fifth respondent society in the month of October, 2015. Since Devadas Ayyagaru is considered as Saint and son of Lord Jesus by one and all, the petitioner cannot have any objection for displaying his photograph on the flexi. The counter also shows existence of criminal cases and also filing of O.S.No.552 of 2016 by the fourth respondent seeking permanent injunction. In view of the above, it is contended that the proper remedy for the petitioner, if he intends to seek cancellation, is common law remedy and not by way of invoking the jurisdiction of this Court under Article 226 of the Constitution of India since number of disputed factual aspects cannot be gone into in the writ petition.

4) Learned counsel for the fifth respondent would contend that the name of the petitioner society is not "Bible Mission" and it is "The Bible Mission", hence there is no violation of Act or Rules by the third respondent. Even otherwise it is urged that there are number of disputes among the members and the elected body suspended Dr.J.Samuel Kiran from the post of lifetime Secretary/ Vice President on 10.07.2007 and formed a fresh body. The President Rev. A.John got issued a notice to the third

respondent to affect the renewal of The Bible Mission, Guntur, registered vide Registration No.66/1959 and the same is still pending consideration. It is urged that since income tax returns and also the affairs and activities of the petitioner society are not submitted, the writ petitioner society ceased to function. Apart from that, a reading of the material also shows existence of dispute between its members and office bearers of two organizations. Since the civil Court is already seized of the matter vide O.S.No.552 of 2016 filed by the fifth respondent seeking injunction against the petitioner and which fact is not disputed by the learned counsel for the petitioner, and having regard to the allegations and counter allegations being made on factual aspects, the same cannot be adjudicated under Article 226 of the Constitution of India, and the proper remedy would be to approach the Civil Court for necessary relief.

5) Even assuming for a moment that the petitioner society is registered earlier in point of time and that subsequent society came to be registered as Bible Mission in the year 2015, the Registration Act is silent as to the procedure to be prescribed for cancellation of the fifth respondent society. Learned counsel for the petitioner was not able to place before the Court as to whether the Registrar of Societies is competent to cancel the registration. On the other hand, it is the case of the respondents that proper remedy of the petitioner is to approach the civil Court. Reading of the Act nowhere indicates procedure for cancellation of the Registration of the Society. Viewed from any

angle, this Court is of the view that proper course for the petitioner would be to approach the Civil Court seeking appropriate relief, in which event, the said Court shall consider the same in accordance with law, at the earliest.

6) Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

20.01.2017
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JUSTICE C. PRAVEEN KUMAR