

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29342 OF 2017

DATED : 31.08.2017

Between :

Muslims Minority Peace Welfare Association,
Regd.No.689/2008, rep., by its General Secretary,
Syed Omar Shafi S/o.Syed Shabbir,
Aged about 35 yrs, Occu : Masjid Imam,
R/o.Beside Masjid Mohammadiya,
Opp: Bawarchi Hotel, Main road,
Uppal, Hyderabad.

..

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Stamps and Registration Department,
Secretariat, Hyderabad & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29342 OF 2017

ORDER :

Heard.

2. Petitioner claims that it is a registered society bearing registration No.689/2008 formed with the avowed objective of providing welfare services to the Muslim minority in the field of education to give services to needy people apart from benefiting the women groups. While so, the Muslim Minority Peace and Welfare Association is registered bearing registration No.1245/2015 which is duplicating the petitioner-Association with a malafide intention and carrying on illegal activities. Having come to know the same, petitioner filed a complaint before the District Registrar, Medchal, requesting to cancel the registration granted in favour of the said society. This writ petition is filed praying to declare the action of the District Registrar in not cancelling the registration of the said fraud society as illegal, arbitrary and violative of Articles 14 & 21 of the Constitution of India and consequently to direct the respondents to cancel the registration of the said fraud society.

3. The material papers on record would disclose that the District Registrar issued notice dated 24.06.2016 to one Khaja Moinuddin and on consideration of the matter, vide notice No.3660/G2/2016 dated 02.07.2016, petitioner was informed that as per Section 23 of the Andhra Pradesh Societies Registration Act, 2001, in the event of any dispute arising among the Committee or the members of the society, or in respect of any matter relating to the affairs of the society, any member of the society may avail the

remedies under the Arbitration and Conciliation Act, 1996 and may file an application in the District Court concerned. This would mean that a reply was already furnished by the District Registrar on the complaint filed by the petitioner and no issue is pending before him.

4. The validity of the said decision is not under challenge in this writ petition. In the absence of challenge and even assuming that petitioner is entitled to challenge, no relief as sought for by the petitioner can be granted. Further it is also relevant to note that what is alleged in the writ petition and the prayer sought is against registration of an Association as Muslim Minority Peace and Welfare Association to duplicate the work of the petitioner and misleading the people. However, from the array of parties in the writ petition, it is seen that the said Association is not made party to the writ petition. But an individual by name Khaja Moinuddin is shown as 4th respondent. Thus, even assuming what is contended by the petitioner is true, and the prayer sought for can be granted by this Court, in the absence of concerned Association as a respondent, the relief as prayed for cannot be granted and the writ petition is liable to be dismissed on that ground alone.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

31st August, 2017
Rds

P.NAVEEN RAO,J