

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.5017 of 2017

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Revenue for respondent nos.1 and 2; Sri J Venkateswara Reddy, counsel for respondent nos.6 and 9; and Sri P. Srinivasa Rao, counsel for respondent nos.5, 8 and 11. None appears for other respondents, even though notices were served on them.

2. The petitioners have filed this Writ Petition assailing the action of the 2nd respondent in registering the 3rd respondent-Society whose name is identical with that of the 4th respondent-Society which has been registered in 1958–59, though such a course of action is prohibited under Section 6(2)(a) of the Telangana Societies Registration Act, 2001 (**for short, ‘the Act’**).

3. It is not in dispute that the 4th respondent-Society has been registered on 13.08.1958 under the name and style “*Economic Committee, Andhra Pradesh*”. Its registered office is situated at Mojamjahi Road, Hyderabad. The said Society was registered with the object of guiding the Exhibition Society which runs the Annual Industrial Exhibition in the month of January at Exhibition Grounds at Mojamjahi Road / Nampally, Hyderabad.

4. While that is so, respondent nos.5, 6, 7 and 8 applied to the 2nd respondent for registration of the 3rd respondent-Society with the name and style “*Economic Committee, Telangana*”.

5. Under Section 6(2)(a) of the Act no Society shall be registered by a name, which is identical with that of another registered society in existence in the same District or so nearly resembling it so as to mislead except where the registered society in existence is in the course of being dissolved, and signifies in writing its consent to such registration.

6. It is not in dispute that the erstwhile State of Andhra Pradesh has since been bifurcated into the new State of Telangana, and the residuary State of Andhra Pradesh by the Andhra Pradesh Re-Organization Act, 2014. Though this event has occurred on 02.06.2014, the registration of the 4th respondent-Society will continue to be valid under Section 32(2) of the Act.

7. Though the learned counsel for 3rd respondent sought to contend that after the creation of the State of Telangana, the 4th respondent-Society became defunct, this contention cannot be accepted for the aforesaid reason; and also because there is no dissolution of the 4th respondent-Society as contemplated under Section 24 of the Act.

8. The fact remains that the 4th respondent bears the name “*Economic Committee, Andhra Pradesh*”, and it’s registered Office is

also at Exhibition Grounds, Mojamjahi Road, Nampally, Hyderabad which is identical with that of the 3rd respondent and the 4th respondent is also functioning in the State of Telangana. So the registration of 3rd respondent by respondent nos.5 to 8 is mischievous, and is clearly intended to mislead people.

9. It was incumbent on the 2nd respondent before considering the application of the 3rd respondent to verify his Register to see whether a Society like the 3rd respondent i.e., 4th respondent is already registered in the same District, i.e., Hyderabad. Clearly, he has abdicated his responsibility by registering the 3rd respondent with a name misleading and very similar / identical to that of the 4th respondent with the same registered office address, which is impermissible under Section 6(2)(a) of the Act.

10. It is true that the petitioner approached 2nd respondent to cancel the registration of 3rd respondent which was declined by 2nd respondent on the ground that there is no power conferred on him to take any action unless there is an order of a Court. This legal position cannot be denied, since there is no provision in the Act empowering the 2nd respondent to cancel registration *suo moto*. However, that does not mean that when there is a clear violation of mandate of Section 6(2)(a) by the 2nd respondent, this Court is powerless to do anything.

11. Since the 2nd respondent had not checked his register while registering the 3rd respondent-Society in violation of the duty cast

upon him under Section 6 (2)(a) of the Act, the order dt.07.02.2017 of the 2nd respondent does not come in the way of this Court to cancel the registration of the 3rd respondent-Society, because it is registered with a name identical or very similar to that of the 4th respondent and is likely to mislead the public.

12. Accordingly, the Writ Petition is allowed. The registration of the 3rd respondent-Society by 2nd respondent under the provisions of the Act on 06.07.2016, as well as the Certificate of Registration issued by the 2nd respondent to 3rd respondent-Society, are both set aside. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-11-2017

Ndr/*

