

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.24537 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Assignment appearing for respondents.

2. Petitioner has filed this Writ Petition assailing proceedings No.G6/Societies795/2017 dt.07-07-2017 of 2nd respondent declining to take on record Resolution No.527/2007-2017-18 containing the details of the annual office bearers of the said Society.

3. Learned counsel for the petitioner contends that under Section 9 of the A.P. Societies Registration Act, 2001, no adjudicatory power is conferred on 2nd respondent, that he is not entitled to entertain any objection petition and that in the instant case, on the basis of objections allegedly filed by some third parties seeking cancellation of the Resolution No.507/2007, 2nd respondent has kept petitioner's request pending compelling the petitioner to go to Civil Court by invoking Section 23 of the said Act.

4. Learned Government Pleader for Assignment appearing for respondents states that according to the impugned order, in the objection petitions also, names of some of the persons, who figured in the application filed by the petitioners on 18-05-2017, are reflected, and that was why the 2nd respondent passed the impugned order.

5. It is not disputed by the learned Government Pleader for Assignment that 2nd respondent has no adjudicatory power under Section 9 of the Act and he is bound to record any Resolution communicated to him by the petitioner-Society.

6. Merely because somebody disputes the correctness of the same, the 2nd respondent cannot keep petitioner's request pending and direct the parties to approach Civil Court. He is bound to act on the petitioner's representation dt.18-05-2017 for incorporating the name of the 11 persons in his records and he has to direct the objectors to avail the remedy under Section 23 of the said Act.

7. Since the order passed by 2nd respondent is totally without jurisdiction, it is set aside and the Writ Petition is allowed; and a direction is issued to 2nd respondent to take action as per the request of the petitioner contained in its representation dt.18-05-2017 without reference to any objections filed by any third party with regard to the resolution No.527/2007/2017-18. No costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-11-2017

kvr