

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Appeal No.1911 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.5017 of 2017 dated 20.11.2017. Respondents 3 and 5 in the writ petition have preferred this appeal against the order passed by the Learned Single Judge. Respondents 1 to 3 herein filed the writ petition seeking a mandamus to declare the action of the Registrar of Societies, Hyderabad, in registering the 3rd respondent-society therein (1st appellant herein) vide registration No.330/2016 and in not cancelling/recalling the same, inspite of the notice of the members dated 29.01.2017, as illegal, arbitrary and contrary to Section 6(2)(a) of the A.P.Societies Registration Act, 2001 as adopted by the State of Telangana.

Section 6(2)(a) of the Telangana Societies Registration Act, 2001 (for short "the Act") stipulates that no society shall be registered by name, which is identical with that of another registered society in existence in the same District, or so nearly resembles 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.

The prohibition under Section 6(2)(a) of the Act is against registration of a society with a name identical to the name of another registered society in existence in the very same District, or a name which nearly resembles the other name so as to mislead others. The exception carved out thereto is where the other society, which carries

the same or a similar name, is in the course of being dissolved, and has signified in writing its consent to such registration.

It is not in dispute that a society called “Economic Committee, Andhra Pradesh” is in existence. The name, by which the new Society sought to register itself, is “Economic Committee, Telangana”. While the Registrar of Societies was, undoubtedly, obligated to verify from the register whether there existed a society by name “Economic Committee, Andhra Pradesh”, and his failure to do so may have necessitated this Court to issue a mandamus to him to exercise his statutory power and discharge his statutory obligations under Section 6(2)(a) of the Act, this Court would not, ordinarily, take upon itself the task of determining whether the name, in which the applicant society seeks to be registered, is identical to, or so nearly resembles it as to mislead others, for these are matters for the Registrar, in the first instance, to decide.

While the order under appeal, to the extent the action of the 5th respondent in this appeal (2nd respondent in the writ petition) in failing to verify the register and to apply his mind as required under Section 6(2)(a) of the Act was faulted, would not necessitate interference, the Learned Single Judge ought not to have, even before the Registrar had examined this question, undertaken an examination of whether the name “Economic Committee, Telangana” was identical, or misleadingly similar, to that of “Economic Committee, Andhra Pradesh”.

While affirming the order of the Learned Single Judge to the extent the registration was set aside, we modify the order and direct the 5th respondent herein (2nd respondent in the writ petition) to undertake an examination afresh as to whether the name of the 1st appellant herein is incapable of registration under Section 6(2)(a) of the Act. The entire exercise, culminating in an order being passed afresh by the Registrar of Societies, shall be completed within a period of two months

from the date of receipt of a copy of this order. Suffice it to make it clear that it is always open to the parties herein to put forth their respective claims before the Registrar of Societies.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

15th December, 2017
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Date: 15.12.2017