

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12453 OF 2018

DATED :12.04.2018

Between :

Koka Narsima S/o.Laxmaiah,
Aged 68 yrs, Occu : Social Worker,
(Ex-President M/s.Shanthi Bharat Seva Samaj,
Indiranagar, R/o.1-4-877/12, Indiranagar, Bakaram,
Musheerabad, Hyderabad & others.

.. Petitioners

And

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

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners claim to be the members of M/s.Shanthi Bharat Seva Samaj, a registered society under the Public Societies Act. Petitioners have grievance regarding functioning of existing management committee/governing body. According to petitioners the elected governing body term expired in the year 2016. The outgoing body has not conducted elections and continued to run the society even till date. Even though 158 out of 180 members of the society have represented on 26.02.2017 to conduct elections for the year 2017 to 2020 period, but the governing body is not conducting elections, causing hardship to the existing members of the Society. Petitioners submit that a representation was submitted to the District Registrar, Hyderabad-2nd respondent to direct the 4th respondent governing body to hold elections. In spite of their request, the 2nd respondent is not taking any action and on the contrary he informed that he is not competent to take action and advised them to avail the remedy available under Section 23 of the Society Registration Act, 2001. Hence this writ petition.

3. In this writ petition, petitioners seeks direction to the 2nd respondent-District Registrar to conduct elections to the governing body of 3rd respondent society or in the alternative to appoint an advocate commissioner to conduct elections in the capacity of election officer.

4. The Court repeatedly asked learned counsel for the petitioner to point out the statutory provision which vests jurisdiction in the District Registrar to conduct elections to the executive body of the registered society. Learned counsel fairly submits that there is no such provision. However, he would submit as adjudication of case on a dispute raised under Section 23 of the Act, would take considerable time, he prays to issue directions as prayed in the writ petition.

5. As it is a society registered under the Public Societies Act, conducting of elections is an internal affair of the Society. There is no public law element involved in the case warranting interference by this Court in exercise of power of judicial review under Article 226 of the Constitution of India. Since there is no statutory provision which vests power in the District Registrar to conduct elections of a registered society, I do not see any error in the decision of District Registrar, communicated to the petitioners.

6. Thus, leaving it open to the petitioners to work out their remedies as available in law, with reference to the grievance of not having a validly elected body to the Society, 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.

12th April, 2018
Rds

P.NAVEEN RAO,J