

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.18830 OF 2018

ORDER:

Heard Mr.Vedula Venkataramana for petitioners and the learned Government Pleaders for respondents.

The 1st petitioner is a body registered under the A.P. Societies Registration Act, 2001 (for short 'the Act') and the 2nd petitioner is President of 1st petitioner society.

The petitioners pray for Mandamus declaring the action of respondents in purportedly cancelling the certificate of registration (582/2011) issued under the Act, as arbitrary, illegal, violative of principles of natural justice and without jurisdiction.

On 08.06.2018 and 12.06.2018, at the request of respondents, the writ petition has been adjourned to enable respondents to instruct the learned Government Pleaders.

The 1st respondent filed counter affidavit and Mr.Durga Reddy appearing for 2nd respondent places before the Court show cause notice dated 04.06.2018 and the operative portion reads thus:

“Whereas the undersigned, the Registrar of Societies of the District after careful examination of the issue in detail keeping in view the reports of the District Collector and District Superintendent of Police, Vikarabad found that the Society and its chief office bearers are participating in activities other than the activities mentioned in the Memorandum of Association and By-laws of the Society and involved in cases which attracted filing of criminal cases by the Police Department and are creating law and order challenges in Tandur Sub-Division, Vikarabad District; therefore, the registration certificate issued to the Society bearing No.582/2011 of Ranga Reddy District is suspended with immediate effect. Therefore, the

Society or its members shall not use in any manner the name of the Society or its registration under the provisions of Telangana Societies Registration Act, 2001.

Whereas the Society is asked to submit their explanation in writing within 15 days from the date of receipt of this order why the Society's Registration cannot be cancelled permanently for the reasons stated above; and if no explanation is received within the time allowed, the action deemed fit will be taken as per the record available."

By referring to the above show cause notice, it is contended that the apprehension that the certificate of 1st petitioner society is cancelled, is untenable and as matter of fact explanation in writing from 1st petitioner is sought for and in the meantime, the 2nd respondent suspended the registration certificate pending enquiry. The advertence to above paragraphs takes the Court to next question, namely, whether the 2nd respondent has jurisdiction and authority to suspend the registration certificate issued under the Act. With the assistance of learned counsel appearing for respondents, the provisions have been perused and scheme of the Act is appreciated. Prima facie, it appears the power to suspend registration certificate is not conferred on the 2nd respondent. For the above reasons, though the prayer refers to purported cancellation of registration certificate, taking note of admitted circumstances namely, issuance of show cause notice dated 04.06.2018, the writ petition is disposed of by this order:

The suspension of registration certificate referred in show cause notice dated 04.06.2018 is illegal and beyond the jurisdiction of 2nd respondent. The petitioners, if so advised and have not filed

explanation as on date, are given liberty to submit the explanation within one week from today. Thereafter, it is for 2nd respondent to consider the issue in accordance with law. It is made clear that this Court has not examined the merits of the matter or adverted to the intensity of allegations made against the members of 1st petitioner society. It is for the authority to act in accordance with law in the event of any person taking law into his hands or trying to misuse the certificate.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 20.06.2018
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S.V.BHATT, J