

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45149 of 2018

ORDER:

Heard learned counsel for the petitioner and learned counsel for respondent No.4.

The present Writ Petition is filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in not declaring respondent No.4 is no more the President of the petitioner – society and consequently direct respondent No.3 to recognize the election held on 30.11.2018, in which respondent No.4 is removed and the Vice President of the petitioner Society is elected as the President of the petitioner society and pass such other order or orders that the Hon'ble Court deems fit and proper in the interest of justice.

Learned counsel for the petitioner submits that there is a dispute between the petitioner and respondent No.4 and that he wants respondent No.3 to resolve the dispute and hence seeks a direction to respondent No.3 to resolve the dispute arising between the petitioner and respondent No.4.

Since it is a dispute between the Society members, Section 23 of the A.P. Registration of Societies Act, 2001, provides with a remedy, which reads as follows:

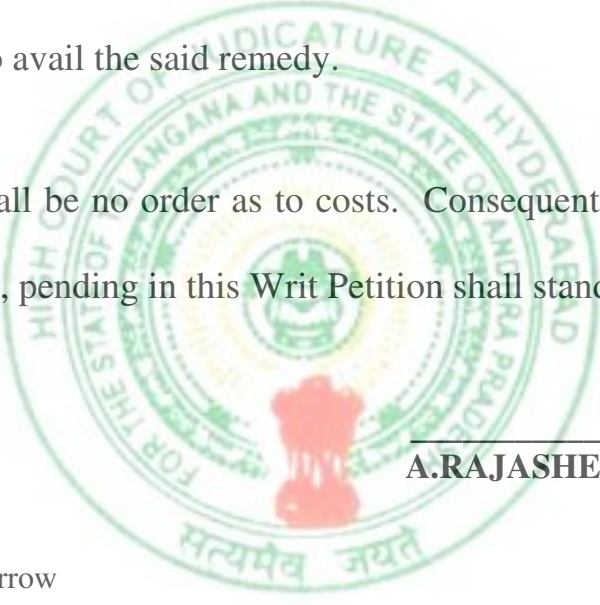
“23. Dispute regarding management:- In the event of any dispute arising among the Committee or the members of the society, in respect

of any matter relating to the affairs of the society, any member of the society may proceed with the dispute under the provisions of the Arbitration and Conciliation Act, 1996, (Central Act 26 of 1996) or may file an application in the District Court concerned and the said Court shall after necessary inquiry pass such order as it may deem fit”.

Since the petitioner has alternate remedy, this Court is not inclined to entertain the Writ Petition.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to avail the said remedy.

There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



A.RAJASHEKER REDDY, J

12.12.2018

Note:

Issue CC by tomorrow

B/o.

vhb