

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13414 OF 2018
(Ashutosh Badve and others Vs. Assistant Registrar of Societies,
Aurangabad and another)

Mr.A.B.Kadethankar, learned Advocate for the petitioners.
Mr.S.R.Yadav, learned AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 08/02/2019

PER COURT :

1. I have considered the submissions of the learned Advocate for the petitioners and the learned AGP on behalf of the respondent.
2. Issue is as regards grant of registration to a Public Trust under the Maharashtra Public Trusts Act and Societies Registration Act, 1860, bearing the proposed name as 'Travel Agents Association of Aurangabad'.
3. By the impugned order dated 21/06/2018, the Office of the Charity Commissioner has refused registration on a solitary objection that the name of the society u/s 3-A of the Societies Registration Act, 1860, is undesirable as the name suggests a connection with the Local Authority. The impugned order indicates that the proposed

society faces no controversies and it is stated across the bar that the society has nothing to do with any local authority.

4. Section 3-A reads as under :- (page No.9)

"3A. Prohibition against registration of societies with undesirable names no society shall be registered by a name which in the opinion of the Registrar, is undesirable, being a name which is identical with or which in the opinion of the Registrar, so nearly resembles the name by which any other existing society has been previously registered, as to be likely to deceive the public or members of their society, or which without the previous permission of the Government concerned, suggests or is calculated to suggest the patronage of the Government or connection with anybody constituted by that Government or any local authority, or which may subject to any rules made in, this behalf, be deemed to be undesirable by the Registrar."

5. Prima facie, I do not find any element in the proposed name which would suggest any connection with the local authority or which would suggest patronage of the Government or calculated to suggest any connection with the Government or any local authority. It is submitted by the petitioners that there are several trusts and societies who carry the name of the city Aurangabad in their names

only to suggest the location of the said trust or society at the local place. Learned Advocate for the petitioners submits that they would have no difficulty in introducing a '**comma**' after the word '**Travel Agents Association**' and remove the word 'of' so as to suggest the name of the trust as 'Travel Agents Association, Aurangabad'.

5. The learned AGP submits that this matter could be remitted to respondent No.1/authority and the parties can be permitted to make the above suggestion before the concerned authority and seek registration.

6. In view of the above, the impugned order dated 21/06/2018 is set aside and the matter is remitted to the office of respondent No.1. The petitioner shall appear before the said authority on 20/02/2019 and shall produce a copy of this order. The competent authority would then consider the request of the petitioners on its merits in the light of these observations and in the event of there being no other legal impediment.

(Ravindra V.Ghuge, J.)