

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 71 OF 2015**

Mr. Devidas Borkar,
S/o Raya Borkar,
Major in age,
President,
New Market Vyapari Sanghatana,
(Reg. No.230/Goa/2012),
Shop no.3, Behind Menezes Pharmacy,
New Market, Margao-Goa. 403601.

..... Petitioner

V e r s u s

1. State,
Through Chief Secretary,
Secretariat,
Porvorim_Goa.
2. District Registrar (South),
Inspector General of Societies,
2nd floor, D Wing,
Osia Complex,
Fatorda, Margao-Goa.
3. Mr. Vinod V. Shirodkar,
President,
Madgaun New Market Traders
Association,
Through its President,
Major in age,
R/o Building B, Second floor,
Flat No.4, Lotus eights,
Near Carmalite Church,
Near Navatara Hotel,
Malbhat, Margao, Goa.

..... Respondents

Adv. Sahish Mahambrey for the Petitioner.

Ms. S. Linhares, Addl. Government Advocate for Respondent nos.1 and 2.

Mr. S. S. Kantak, Senior Advocate with Adv. Ms. A. Reis Falcao for Respondent no. 3.

Coram:- C. V. BHADANG, J.

Date:- 29th August, 2019.

Judgment:

The challenge in this petition is to the order dated 31/1/2014 passed by the learned District Registrar/Inspector General of Societies, by which a complaint filed by the petitioner alleging mismanagement of the society by the third respondent, has been dismissed on the ground that the Inspector General of Societies has no power to entertain a complaint under section 20A of the Societies Registration Act, 1860, as amended by the Societies Registration (Goa, Daman and Diu First Amendment) Act, 1979.

2. Mr. Mahambrey, the learned counsel for the petitioner has brought to my notice the judgment of the Division bench of this Court dated 8/11/2017 in Writ petition no.1195/2016 (Shri Sanjay Walavalkar Vs. The State of Goa and others) in which the Division Bench has prima facie found that under section 20A (1) the Inspector General of Societies can entertain a complaint about the mismanagement of the affairs of the society. A perusal of the impugned order shows that the Inspector General of Societies has not articulated any reasons, whatsoever for holding that he has no jurisdiction to entertain the complaint.

3. Mr. Mahambrey, the learned counsel for the petitioner states that the complaint may be relegated back to the Inspector General of Societies for deciding it afresh on its own merits and in accordance with law.

4. The learned Additional Government Advocate for the respondent nos.1 and 2 as well as Mr. Kantak, the learned Senior Counsel for the third respondent states that in the event, this court is inclined to send the complaint back, the question of jurisdiction as well the merits may be left open.

5. I find that the complaint needs to be sent back to the Inspector General of Societies who can decide the issue of jurisdiction as well as merits of the allegations made by the petitioner after hearing the parties and in accordance with law. In the result the following order is passed:

ORDER:

(i) The petition is partly allowed. The impugned order dated 31/1/2014 is hereby set aside.

(ii) The complaint dated 22/1/2013 filed by the petitioner is restored back to the file of the learned District Registrar/Inspector General of Societies for deciding it afresh, and in accordance with law.

(iii) The rival contentions of the parties including the issue of jurisdiction are

left open.

(iv) The petitioner and the third respondent to appear before the District Registrar/Inspector General of Societies on 20 /9/2019.

(v) Rule is made partly absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

Ap/-