

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10959 of 2019

ORDER:

The petitioners assail the letter dated 14.5.2019 of the Registrar of Societies, Hyderabad. This letter was purported to have been issued in compliance with the order dated 15.12.2017 in Writ Appeal No.1911 of 2017. By the said order, a Division Bench of the erstwhile common High Court for the States of Telangana and Andhra Pradesh directed as follows:

“While affirming the order of the learned single Judge to the extent the registration was set aside, we modify the order and direct the 5th respondent herein (2nd respondent in the Writ Petition) to undertake an examination afresh as to whether the name of the 1st appellant herein is incapable of registration under Section 6(2)(a) of the Act. The entire exercise, culminating in an order being passed afresh by the Registrar of Societies, shall be completed within a period of two months from the date of receipt of a copy of this order. Suffice it to make it clear that it is always open to the parties herein to put forth their respective claims before the Registrar of Societies.”

Be it noted that the parties to the aforestated Writ Appeal were the petitioners herein, viz., the appellants, along with N.Surender, arrayed as respondent No.2, and Dr. B.Srinivas Rao and Dr.B.Prabha, arrayed as respondent Nos.1 and 3, viz., the petitioners in Writ Petition No.5017 of 2017 from which the said Writ Appeal arose. However, the petitioners herein did not choose to implead said persons in this Writ Petition though they were shown as respondents in the Writ Appeal. Apart from this, the other private parties who were arrayed as respondent Nos.7 to 12 in the Writ Appeal were also not made parties to this Writ Petition.

In any event, perusal of the impugned letter dated 14.5.2019

reflects total non-application of mind by the Registrar of Societies. What was required of him under the aforestated order was to undertake an examination afresh as to whether the name of the first petitioner herein was incapable of being registered under Section 6(2)(a) of the Telangana Societies Registration Act, 2001. Further, the entire exercise was to culminate in an order being passed afresh by the Registrar within two months. The parties to the Writ Appeal were to be given an opportunity to put forth their respective claims before the Registrar during this exercise.

While so, the impugned letter dated 14.5.2019 demonstrates that the Registrar did not even undertake the exercise as directed and straightaway recorded that both parties conducted fresh elections and submitted applications for the new management committees to be recorded. It is on this basis that he stated that the order passed in the Writ Appeal was duly complied with.

It is not expected that an authority of the high rank of a Registrar of Societies would fall so woefully short of abiding by the directions of the Division Bench of the erstwhile Common High Court. The impugned letter dated 14.5.2019 makes it clear that the Registrar did not even choose to read the order to understand as to what was expected of him. Further, it does not even reflect that an opportunity was given to the parties to the Writ Appeal to put forth their respective claims.

In that view of the matter, the letter dated 14.5.2019 of the Registrar of Societies, Hyderabad, is set aside and the Writ Petition is allowed directing the Registrar of Societies to undertake the

exercise afresh as directed by the Division Bench *vide* order dated 15.12.2017 in Writ Appeal No.1911 of 2017.

Needless to state, the parties to the said Writ Appeal shall be given due opportunity to present their respective claims before the Registrar passes an order afresh. The order shall be passed within two months from today.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

14th June, 2019
dr

JUSTICE SANJAY KUMAR

