

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.437 OF 2022

MOHAMMED FARHAN
MEMON AND 16 ORS.

... Petitioners

Versus

STATE OF GOA THR. ITS
CHIEF SECRETARY AND 20 ORS.

... Respondents

Mr. Parag Rao, Advocate *for the Petitioners.*

Mr. Shubham Priolkar, Additional Government Advocate *for the Respondents-State.*

**CORAM: PRASANNA B. VARALE &
BHARAT P. DESHPANDE, JJ.**

DATED: 13th September, 2022

P.C.:

1. Heard learned Counsel for the Petitioners.
2. Learned Counsel for the Petitioners submits that Petitioner Nos.1 to 4 are the founder members of a Society namely; Sunni Jamaatul Muslemeen. The Society is duly registered under Registration No. 273/Goa/2011 on 01.11.2011. Certain grievances are raised in the petition insofar as the affairs of the Society not being conducted by the duly elected body of the members. The renewal of registration was pending.
3. It is submitted by the learned Counsel that an application was submitted to the authority, namely; District Registrar and Inspector

General of Societies on 25.02.2022 and the authority, vide reply dated 11.05.2022, expressed its inability for renewal of certificate of registration in respect of the Society. The reason assigned is not providing the audit statement for financial years 2012 to 2016. The learned Counsel initially vehemently submitted before this Court that the concerned authority was duty-bound to call for the necessary records, including the audited statement of the preceding years and was to apply the mind and then was to pass the appropriate orders on the application for renewal of registration.

4. The learned Counsel submits that the grievances of the Petitioners are referred to in the petition by raising various grounds and the authority committed the error in rejecting the application vide a communication dated 11.05.2022. On perusal of the material placed on record, it reveals that the application submitted to the authority on 25.02.2022 was at the instance of Respondent No.3 Shri Shaikh Mohammed Rafik, who claimed himself to be the President of Sunni Jamaatul Muslemeen Jamia Masjid, Malbhat, Margao. A perusal of the document further shows that the applicant who had verified the application was represented by Respondent No.14 Imran Khan.

5. Admittedly, the Petitioners had not approached the authority till date and at the cost of repetition we state that it was the Respondent No.3 who had filed the application before the authority. Considering these facts circumstances wherein firstly, the Petitioners had not approached the authority by raising of any grievances whatsoever it may be and secondly, the authority having no opportunity to apply its mind on

the application as it was not submitted before it by the Petitioners, we are unable to entertain this petition.

6. The learned Counsel at this stage submitted that an opportunity be given to the Petitioners to submit a detailed and comprehensive representation to the competent authority i.e. Respondent No.2 District Registrar and Inspector General of Societies (South), Margao, Goa. Such representation would be submitted to the authority within one week from today. Accordingly, the statement of the learned Counsel is accepted as an undertaking to this Court. In view of the statement made before this Court, we deem it appropriate to dispose of this petition with the following directions:

- i. The Petitioners to file a detailed and comprehensive representation to Respondent No.2 within one week from today.
- ii. On receipt of the representation, the Respondent No.2, if deems it appropriate and if there is no other rider, may grant an opportunity of hearing to the Petitioners by fixing a date within two weeks.
- iii. Respondent No.2 is also at liberty to call for any information from his subordinate officers or the managing committee of the Society, any material which would be necessary for decision of the representation from the Petitioners.
- iv. Thus, after giving opportunity of hearing within two weeks, the Respondent No.2 to decide the representation within four weeks thereafter.

v. The decision by Respondent No.2 be communicated to the Petitioners.

7. Parties to act on the authenticated copy of this order.

8. Needless to state that if the Petitioners are aggrieved by the decision, and if the decision is negative, they may avail appropriate remedies as available under the law in challenge to the decision of Respondent No.2.

9. The petition is disposed of accordingly.

BHARAT P. DESHPANDE, J.

PRASANNA B. VARALE, J.

JOSE
FRANCISCO
DSOUZA

Digitally signed by
JOSE FRANCISCO
DSOUZA
Date: 2022.09.13
14:43:11 +05'30'