



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

42 WRIT PETITION NO. 1115 OF 2022

Parwana Dharak Beer Vikreta Va
Karmachari Association Aurangabad
Through Its President,
Raja s/o Haribhau Lingayat,
Age : 55 years, Occ. : Business,
R/o. : Plot No. 860, Sahayadri Nagar,
CIDCO N-5, Aurangabad-431 001

...Petitioner

VERSUS

1. The Assistant Registrar,
Societies, Aurangabad Region,
Aurangabad, Public Trust Registration Office,
Aurangabad.
2. The Superintendent,
Public Trust Registration Office,
Aurangabad Region, Aurangabad

...Respondents

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Mr. Vinod P. Patil, Advocate for the Petitioner
Mr. V. S. Badakh, AGP for Respondent Nos. 1 and 2.

...

CORAM : ROHIT W. JOSHI, J.

DATE : 18th AUGUST, 2025

ORAL JUDGEMENT:

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioner is an Association of persons holding license for sale of beer in the State of Maharashtra under the provisions of the Maharashtra Prohibition Act, 1949 and the workers working in such licensed beer shops.

3. The petitioner/Association had moved an application seeking registration under the provisions of the Societies Registration Act, 1860. The said application came to be rejected by respondent no.1/the learned Assistant Registrar, Societies Aurangabad Region, Aurangabad (hereinafter referred to as "Authority") vide impugned order dated 03.11.2021 on the ground that the name of the Society is undesirable and objectionable since it is subject to the Rules made by the Government under the provisions of the Maharashtra Prohibition Act, 1949.

4. The learned Authority has placed reliance on Section 3-A of the Societies Registration Act, 1860 in holding that the name of the Society is undesirable and objectionable. Section 3-A of the Societies Registration Act, prescribes prohibition against registration of societies with undesirable names. The name of the Society is 'Parwana Dharak Beer Vikreta Va Karmachari Association, Aurangabad' which translates into 'Society of Licensed Beer Vendors and Employees, Aurangabad'. There is nothing undesirable and objectionable about the said name. The sale of liquor is a regulated trade and persons engaged in the said trade are entitled to form association. Right to form association is a statutory and constitutional right. Since the association is of people holding licenses for sale of beer and their employees, the Society is named as such. There is nothing undesirable or objectionable about the name. Another ground on which the application is rejected is that the trade is subject to rules and regulations made by the Government under the Maharashtra Prohibition Act, 1949. This also cannot be a ground for rejection of application. Registration of a society can be refused if the name of the Society is such that it suggests or it is calculated to suggest the patronage of Government or connection with a body constituted by the Government or by any local authority. The name

does not suggest any such patronage or connection.

5. In view of the above, the impugned order is clearly unsustainable and is liable to be quashed. The Writ Petition is allowed by quashing and setting aside order dated 03.11.2021 passed by the learned Assistant Registrar, Societies, Aurangabad Region, Aurangabad in File No.488/2021.

6. Respondent no.1/Authority is directed to register the petitioner/society, if there is no other legal impediment for registration.

[ROHIT W. JOSHI J.]