



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.592 OF 2023

NAGESH SHABI GAWAS AND 15 ORS. ... PETITIONERS

Versus

STATE OF GOA THR.

CHIEF SECRETARY AND 2 ORS. ... RESPONDENT

Mr. Abhijit Gosavi, Ms. Krupa Naik and Mr. Gaurang Kerkar,
Advocate for the Petitioners.

Mr. Neehal Vernekar, Additional Government Advocate for the
Respondent Nos. 1, 3 and 4.

Mr. Rohit Bras De Sa and Mr. Joel Pinto, Advocates for
Respondent No.3.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 07th April, 2025

ORAL ORDER(Per Bharati Dangre, J.)

1. By virtue of Section 20A of the Societies Registration Act, 1860 and its application to the State of Goa, where an information is received by the Inspector General or otherwise, or in the circumstances which exist as contemplated under Section 12(d), which is the power of the Registrar to cancel registration, the Inspector General is of the opinion that there is an apprehension that the affairs of the society registered under the Act, are being so conducted so as to defeat the object of the Society, or that the

Society or its governing body in actual effective control is guilty of mismanaging its affairs or of any breach of fiduciary or other obligations, he may either himself or by a person appointed by him on his behalf, inspect or investigate the affairs of the Society or inspect an institution managed by this Society.

2. The present petition is filed by the petitioner via the members of Shri Sateri Shikshan Prasarak Mandal, Pernem, Goa, registered under the provisions of the Societies Registration Act, 1860 which run a Government aided school namely Sateri Vidya Mandir, Ibrahimpur, Pernem, Goa. It is the claim of the petitioners that they are the majority members and they have a grievance that the election of the society ought to be conducted every 5 years through the process of secret ballot at the annual meeting of the society as per the bye-laws, but there is an abject failure on the part of the managing committee to conduct the elections. Being aggrieved by this inaction, the 16 members out of 29 who claim to be in majority addressed an application to the respondent no. 2, who exercise supervisory powers over the conduct of the affairs of the society, for the redressal of the grievance, the foremost way to have a duly elected managing committee for the society, so that the

affairs of the society could be managed in a legal way.

3. The petition makes a reference to the representation dated 04.08.2022 as well as 08.06.2023, where the Inspector General has been requested to look into the affairs of the committee and specifically proceed towards conduct of elections of the managing committee and also investigate into the irregularities and mismanagement of the society.

4. Per contra, Mr. De Sa, learned counsel appearing for the respondent no. 3 has invited our attention to the affidavit and in particular to the minutes of meeting dated 10/01/2021 and in specific agenda item (subject no. 2) to point out that in the meeting, the members unanimously agreed to extend the term of the present managing committee for a period of five years i.e. from 2021 to 2025.

This is specifically objected to by the counsel for the petitioners by submitting that this is a flawed way, in which the managing committee could be elected. In any case, now it is the year 2025 and even the term of this committee will come to end soon. It is therefore high time that the respondent no. 2 step in and take appropriate steps for conduct of proper elections strictly in

terms of the existing bye-laws of the society.

5. The learned counsel representing the respondent no. 2 has instructions to make a statement that the representation preferred by the petitioners shall be looked into in exercise of powers under Section 20A of the Societies Registration Act, 1860, within a period of 4 weeks from today.

Needless to state that all the power which is available with the Inspector General shall be exercised by him or through any officer deputed by him to conduct an investigation/inquiry, which may, if required/warrant the participation of the present petitioners.

6. With the aforesaid directions, the writ petition stand disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.