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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.281 OF 2025

1. Mr. Nilesh Shirodkar,
Age 54, Indian National,
Resident of House No. 521,
Vande Matram Niwas, Kari Bhat,
Carambolim,
Tiswadi Goa.

2. Mr. Dhaku Madkaikar,
Age 58, Indian National,
Resident of House No. ____,
Adarsh Colony,
Carambolim,
Tiswadi Goa.

... Petitioners.

Versus

1. The Inspector General Of Societies/
The District Registrar (North), 4th floor,
Junta House,
Panaji Goa.

2. The Corlim Educational Society,
Through its President,
Having registered office at Madkaikar
Navchaitanya High School,
Corlim, Tiswadi-Goa.

3. Shri. Pandurang A. Madkaikar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

4. Shri Umesh Gauns Kurtikar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

5. Shri Samil A. Volvoikar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

6. Shri. Rajesh D. Naik
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

7. Shri Haridas U. Jalmi
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

8. Shri Damu D. Mangodkar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

9. Shri. Digambar A. Kankonkar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

10. Janita P. Madkaikar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

11. Shri Mohini Gauns Kurtikar
C/o Corlim Educational Society,
Madkaikar Navchaitanya High School,
Corlim, Tiswadi Goa.

... Respondents.

Mr. Vithal Naik, Advocate for the Petitioners.

Mr. Prashil Arolkar, Additional Government Advocate for
Respondent No.1.

Mr Chaitanya Padgaonkar with Ms. Vaishali Mahato,
Advocates for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 18th July, 2025

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is disposed of finally.
3. By this petition, an order dated 05.11.2024 passed by the Inspector General of Societies/District Registrar North, acting under Section 20A of the Societies Registration Act, 1860 has been impugned. By the said order, the Inspector General of Societies has dismissed two complaints, both dated 02.04.2024, respectively filed by the Petitioner Nos.1 and 2, alleging that elections held by the General Body of the Respondent No.2 on 27.03.2024 were not held in a free and fair manner. The complaint alleges that there were several irregularities during the elections on that date and

consequently seeks to have the elections set aside.

4. The main ground for challenging the impugned order was that the Petitioners appeared before the Registrar on 13.09.2024, on which date the Registrar was not taking up the case owing to him being on leave on that date, as informed by the dealing hand; the Petitioners aver at ground “o” of the petition that they were informed by the dealing hand, that a notice would be sent to them notifying them of the next date of hearing.

5. Perusal of the proceeding sheets of that date would reveal that the signatures of the Petitioners had not been taken, nor were those of the Respondent No.2 Society. It is clear from the proceedings sheet that the Registrar was not sitting on that day when the entry made in the proceedings sheet states that the Registrar was busy with administrative work. However, a further entry appears to be made below the first entry specifying a date of hearing. There is admittedly no notice given to the parties of the next date of hearing which was 04.10.2024, when the Respondent No.2 remained present and the Petitioners remained absent, owing to the impression they had that they would be notified of the date. The matter was then dismissed on 05.11.2024 after a further hearing on 09.10.2024, when the Respondents were heard.

6. Be that as it may, the proceeding sheet itself does not have the signatures of the parties in acknowledgement of the date given by the office of the Registrar on 13.09.2024, and in those circumstances, the

case of the Petitioners would have to be accepted.

7. Consequently, the impugned order dated 05.11.2024 is quashed and set aside and the Inspector General of Societies/District Registrar North is directed to hear the complaints dated 02.04.2024 filed by the Petitioners on its own merits.

8. The Petitioners have amended the petition claiming that after dismissal of their complaint dated 05.11.2024, each of them received a show-cause notice dated 20.12.2024 issued by the Respondent No.2 alleging that they had committed certain acts which were contrary to the bye-laws of the Society and the interest of the Society, pursuant to which their primary membership was terminated on 27.01.2025. This order/resolution of termination of membership dated 27.01.2025 has been impugned in this petition. However, such a resolution/order could also be challenged before the Registrar invoking powers under Section 20A of the Societies Registration Act to examine such a challenge, if made before it. A writ application would not be the appropriate forum in which a challenge could be thrown to this resolution, as there may be disputed questions of fact which the Inspector General of Societies/District Registrar would be in a better position to address.

9. The Petitioners submit that they would file, within one week from today, an application/complaint laying a challenge to the order dated 27.01.2025, terminating their membership from the Respondent No.2 Society, before the Inspector General of

Societies/District Registrar. In the event such a complaint/application is filed before the Registrar, the Registrar is requested to take up this complaint along with the earlier complaint dated 02.04.2024 bearing No. Complainant No.2/2024. The Registrar shall first take a decision as to whether the resolution/order dated 27.01.2025 is legal and proper, and based on the decision taken in the matter raising a challenge to the termination of membership, he would proceed to decide the complaints dated 02.04.2024.

10. The Registrar may dispose of both cases preferably within a period of three months from the appearance of the parties.

11. Rule is made absolute in terms of prayer clause (a).

12. Insofar as prayer clause (b) is concerned, the same has been rejected with leave to approach the Inspector General of Societies/District Registrar as stated above. No costs.

VALMIKI MENEZES, J.