IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 4052 OF 2025

Between:

1. The Rice Millers Educational And Cultural Society, Tadepalligudem, West Godavari District, Rep. by its Secretary, P. Rama Krishna Gopala Raju,
2. P. Rama Krishna Gopala Raju, S/o Rambhadra Raju, aged 68, R/o. D.No. 2-134, Main Road, Main Road, Goteru, West Godavari District

...PETITIONERS

AND

1. The State of Andhra Pradesh, Department of Stamps and Registration (Revenue-II) Rep. by its Principal Secretary, Secreariat Buildings, Velgapudi, Amaravati.
2. The Inspector General, Department of Stamps and Registration (Revenue-II) R.K.Spring Valley Apartments, Edupugallu, Kaankipadu Mandal, A.P.Vijayawada - 521151.
3. The District Registrar of Societies, Bhimavaram Division, Bhimavaram, West Godavari District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction especially one in the nature of Writ of Mandamus declaring the acknowledgment dated 02.08.2024 and also the acknowledgment dated 19.11.2024 passed by the 3rd Respondent District Registrar, Bhimavaram, West Godavari District in respect of 1st petitioner Society as contrary to law, illegal, arbitrary, without jurisdiction

and against principles of natural justice and consequently direct the 3rd respondent to receive the list of Managing Committee furnished on behalf of the 1st petitioner Society for the year 2022-2023.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to receive the list of Managing Committee furnished on behalf of the 1st petitioner Society for the year 2022- 2023.

Counsel for the Petitioners: SRI POSANI AKASH

Counsel for the Respondent Nos.1 to 3: SRI K. ARJUN CHOWDHARY, AGP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

APHC010074572025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3328]
(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 4052/2025

Between:

1. THE RICE MILLERS EDUCATIONAL AND CULTURAL SOCIETY, THE R . TADEPALLIGUDEM, WEST GODAVARI DISTRICT, REP. BY ITS SECRETARY, P. RAMA KRISHNA GOPALA RAJU,

2. P. RAMA KRISHNA GOPALA RAJU, S/O RAMBHADRA RAJU, AGED 68, R/O. D.NO. 2-134, MAIN ROAD, MAIN ROAD, GOTERU, WEST GODAVARI DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, DEPARTMENT OF STAMPS AND REGISTRATION (REVENUE-II) REP. BY ITS PRINCIPAL SECRETARY, SECREARIAT BUILDINGS, VELGAPUDI, AMARAVATI.

2. THE INSPECTOR GENERAL, DEPARTMENT OF STAMPS AND REGISTRATION (REVENUE-II) R.K.SPRING VALLEY APARTMENTS, EDUPUGALLU, KAANKIPADU MANDAL, A.P.VIJAYAWADA - 521151.

3. THE DISTRICT REGISTRAR OF SOCIETIES, BHIMAVARAM DIVISION, BHIMAVARAM, WEST GODAVARI DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. POSANI AKASH

Counsel for the Respondent(S):

1.GP FOR REGISTRATION AND STAMPS

The Court made the following:

ORAL ORDER:

Heard Sri Posani Venkateswarlu, learned Senior Counsel appearing on behalf of Sri Posani Akash, learned Counsel for the Writ Petitioners and Sri K. Arjun Chowdary, learned Assistant Government Pleader for Registration and Stamps.

2. Sri Posani Venkateswarlu, learned Senior Counsel has drawn the attention of this Court to the Impugned Order passed by the Registrar of Societies. For the purpose of the present case, it would become relevant to extract the entire Impugned Order, which is as under:

Application No
Bar Code
ATS012400068190
Date: 02/08/2024

The application with Unique applicant No, ATS012400068190, applied for Amendment of Society (Under Section: 10) has been REJECTED by OFFICE OF THE REGISTRAR OF SOCIETIES of BHIMAVARAM.

Due To :The Comments from the OFFICE OF THE REGISTRAR OF SOCIETIES for rejecting the application: Some E.C & General Body members of the Society raised objections on filing of LGB & Irregularities in the society in writing on Dt 20.07.2024. As per Section 23 of Andhra Pradesh society registration Act-2001 resolve the dispute in the Competent Court.

BHIMAVARAM
Date: 13/07/2014

REGISTRAR OF SOCIETIES: R.Satyanarayana
Designation: DISTRICT REGISTRAR
District: BHIMAVARAM

3. The above Impugned Order would indicate that the Registrar of Societies has rejected the list of the Elected Members of the Managing Committee submitted to the Registrar.

4. The above extract would indicate that some Executive Council Members and General Body Members of the Society have raised the objections about filing of the List of Governing Body Members and irregularities in the Society and submitted in writing on 20.07.2024. It is also stated that as per Section 23 of the Andhra Pradesh Societies Registration Act, 2001, such dispute shall be resolved through Competent Court.

5. The above Impugned Order does not disclose the names and other details of the Executive Council and General Body, who have raised the objections. It does not disclose the nature of Objections. It also does not disclose whether such objections have been supplied to the Writ Petitioners before passing the Impugned Order or not.

6. It appears that the Registrar has acted in a mechanical manner by complete non-application of mind in passing the Impugned Order. The least that the Registrar could have done is to supply the copies of the Objections submitted by the Members of the Executive Council and General Body with regard to the List of the Governing Body. The Registrar ought to have called for remarks thereof and applied his mind and ought to have passed a Speaking Order.

7. It appears that the Registrar of Societies has not taken into consideration the *ratio decidendi* of the Judgement of the Division Bench of this Court in ***Mokkapati Chandra Sekhar Rao Vs. Pragathi Educational Society, Guntur District in W.A.Nos.502 and 980 of 2018, dated 19.09.2018; LAWS(APH)-2018-9-57*** and the Judgement of the learned Single Judge, in ***Dr Raghava Rao Polavarapu vs The State Of Andhra Pradesh in W.P.No.13192 of 2021, dated 21.12.2021: (2022) 1 ALT 304 : (2022) 1 AmLJ 143 : (2022) 2 ALD 31 : AIR 2022 (NOC 857) 405.***

8. In order to further state that the Impugned Order was passed in a mechanical manner, suffice it to notice that the objections were submitted by the Members of the Executive Council and the General Body on 20.07.2024, whereas, the Impugned Order appears to have been passed on 13.07.2024. In other words, the Impugned Order is passed seven days in advance of the date of the submission of the objections by the members of the Executive Council and the General Body.

9. In this view of the matter, the Impugned Order is unsustainable in law inasmuch as the said law suffers from the vice of non-adherence to principles of natural justice and complete non-application of mind.

10. In the prayer, it has been wrongly mentioned that the Impugned Order was passed on 02.08.2024 and 19.11.2024. These two dates pertain to the date on which the said Orders were downloaded. The Impugned Order appears to have been passed on 13.07.2024 (Ex.P1) and 04.11.2024 (Ex.P2).

11. Accordingly, this Writ Petition is allowed by setting aside the Impugned Orders dated 13.07.2024 (Ex.P1) and 04.11.2024 (Ex.P2). No order as to costs.

12. The Registrar of Societies (Respondent No.3) is directed to supply the copies of the Objections submitted by the Executive Members of the Executive Council and General Body, dated 20.07.2024 and call for the response from the interested parties including the Writ Petitioners and pass a Speaking Order on merit. He shall also take into account the effect of the Judgements (mentioned *supra*) before passing the final order.

13. Interlocutory Applications, if any, stand closed in terms of this order.

Sd/- U.SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Stamps and Registration (Revenue-II), State of Andhra Pradesh, Secretariat Buildings, Velgapudi, Amaravati.

2. The Inspector General, Department of Stamps and Registration (Revenue-II) R.K.Spring Valley Apartments, Edupugallu, Kaankipadu Mandal, A.P.Vijayawada - 521151.
3. The District Registrar of Societies, Bhimavaram Division, Bhimavaram, West Godavari District
4. One CC to Sri Posani Akash, Advocate [OPUC]
5. Two CCs to GP for Stamps and Registration, High Court of Andhra Pradesh. [OUT]
6. Three CD Copies.

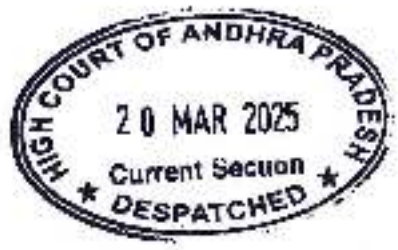
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HIGH COURT

DATED:17/02/2025

ORDER

WP.No.4052 of 2025



ALLOWING THE W.P. WITHOUT COSTS