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APHC010005272025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION Nos.281 and 28279 of 2025

WRIT PETITION NO: 281/2025

Between:

The Bukharia Educational Society **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. GHANTA SRIDHAR

Counsel for the Respondent(S):

1. SODUM ANVESHA
2. GP FOR REGISTRATION AND STAMPS

WRIT PETITION NO: 28279/2025

Between:

The Bukharia Educational Society **...PETITIONER**

AND

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Counsel for the Petitioner:

1. SODUM ANVESHA

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS

The Court made the following:

COMMON ORDER

Since the issues involved in both the writ petitions are inter-connected, they are disposed of by way of this common order.

2. Assailing the proceedings issued by the 2nd respondent *vide* Endt.No.G1/1943/2024, dated 21.11.2024, the Bukharia Educational Society, rep. by its President Syed Saleem Bukhari, filed W.P.No.281 of 2025.

3. The 3rd respondent in W.P.No.281 of 2025, being the President of the Bukharia Educational Society, filed W.P.No.28279 of 2025, assailing the proceedings *vide* Endt.No.G1/1943/2024, dated 21.11.2024 and Endt.No.G1/Soc/1657/2025, dated 12.09.2025.

4. The founder President of the Bukharia Educational Society (for short "**the Society**") is by name Syed Sha Musthafa Hussain Bukhari, and he died on 12.02.2021. The writ petitioner in W.P.No.281 of 2025 is the third brother and the writ petitioner in W.P.No.28279 of 2025 is the 6th brother of the deceased Syed Sha Musthafa Hussain Bukhari. The Society was registered in the year 1987 vide Regd. No.324 of 1987, with an object to impart education.

5. The deponent in W.P.No.281 of 2025 is referred to as 'petitioner', and the deponent in W.P.No.28279 of 2025 is described as 3rd 'respondent' for the sake of convenience and better understanding.

6. a) Averments, in brief, are that in the General Body meeting held on 30.05.2020, Alhaj Syed Akbar Bukhari was elected as president of the society

and the list of governing body was filed before the 2nd respondent. The 2nd respondent made entries of the said list vide No.Societies/S.No.49/2020, dated 11.06.2020. Based on the General Body meeting held on 08.04.2021, headed by the deponent as President, the list was submitted, and the same was received by the 2nd respondent. In the said list, the respondent is shown as a member at S.No.22, and it was recorded vide No.Societies/S.No.39/2021, dated 24.05.2021. The respondent Syed Magdoom Bukhari failed to attend the 3 General Body meetings consecutively, and hence, the Society issued a legal notice dated 03.04.2021 and 2 show cause notices dated 25.05.2021 and 07.06.2021. A special General Body meeting was convened on 03.07.2021, and the membership of respondent Syed Magdoom Bukhari was terminated. After removing the name of the 3rd respondent, the Society filed a list of Governing Body members before the 2nd respondent and the same was recorded vide No.Societies/Cub S.No.78/2021, dated 08.07.2021. The General Body meeting was held on 14.05.2022 to elect the Governing Body for the year 2022-2023, and thereafter, the same was filed before the 2nd respondent vide letter dated 16.05.2022.

b) The respondent, Syed Magdoom Bukhari, ousted from the Society along with other persons claiming themselves as committee members of the Society, approached the 2nd respondent and submitted the list of Governing Body for renewal for the year 2013 to 2019 vide letter dated 27.01.2020 and the same was rejected by the 2nd respondent *vide* proceedings Lr.No.G1/200/2020, dated 18.02.2020. Aggrieved by the same, W.P.No.5537 of 2020 was filed, and the predecessors in office of the petitioner filed an impleadment petition in the said writ petition, and the same is pending.

c) Syed Shah Musthafa Hussain Bukhari, Syed Magdoom Bukhari and Syed Sirajuddin Bukhari, claiming to be the President, Secretary and Joint Secretary-1 of the Society, filed O.P.No.14 of 2020 on the file of the Principal District Judge, Kadapa under Section 23 of the Societies Registration Act,

2001 (for short "**the Act**"), to declare the list of Governing Body members, General Body members and amended bye-laws of the Society, submitted by the petitioner, as illegal etc. Along with the O.P., I.A.No.1358 of 2020 was filed for grant of temporary injunction and the same was dismissed on 28.10.2021. After dismissal of I.A., the petitioners therein did not press for the O.P., and hence, the O.P. was dismissed as not pressed on 29.11.2021.

d) Without disclosing the said fact, respondent Syed Magdoom Bukhari, claiming to be the President of the Society, filed W.P.No.23644 of 2022 challenging the inaction of the 2nd respondent in recording the list of governing body members submitted on 17.04.2021 for the years 2021-2022 and on 16.05.2022 for the years 2022-2023. An interim order was granted directing the 2nd respondent to receive and record the list of governing body members. On coming to know about the interim order, the petitioner got impleaded in the writ petition. The said writ petition was disposed of on 03.10.2024, observing that the writ petition had become infructuous and accordingly, W.P.No.23644 of 2022 was closed. However, the Court directed the parties to raise all the grounds before the appropriate authority. Thereafter, the Governing Body meeting was held on 30.04.2024, and the list of office bearers was furnished to the 2nd respondent on 02.11.2024. The 2nd respondent, by the proceedings impugned, refused to receive the intimation on record. Hence, the writ petition.

7. As noted supra, the respondent, being deponent in W.P.No.28279 of 2025, contended, *inter alia*, that the Annual General Body meeting of the Society is conducted every year. Whenever a new Governing Body is elected, the President of the Society furnishes the list of Governing Body members to the 2nd respondent. W.P.No.32209 of 2011 was filed questioning the inaction of the 2nd respondent in entering the list of Governing Body members furnished by the 3rd respondent on 18.10.2011 for the year 2011-2012. The 3rd respondent also filed O.P.No.637 of 2011 on the file of the Principal District Judge, Kadapa, under Section 23 of the Act, seeking declaration that the

earlier Secretary and Treasurer of the Society are disqualified to hold the post after the constitution of the new Governing Body. Later, O.P.No.637 of 2011 was withdrawn on 19.10.2012, in view of out-of-court settlement. The 2nd respondent entered the list of Governing Body members furnished by the 3rd respondent on 20.10.2012 for the year 2011-2012. W.P.No.32209 of 2011 was disposed of on 29.04.2024, directing the respondents to receive the Governing Body and make appropriate entries on record.

b) The Governing Body meeting was held on 18.01.2020. Out of 60 members of the Society, 35 members were present. The Governing Body was selected, consisting of office bearers and the Executive Committee members, totalling 31 members. The respondent, vide letter dated 27.01.2020, submitted a list from the year 2013 to 2019 to the 2nd respondent. The 2nd respondent, *vide* proceedings Lr.No.G1/200/2020, dated 18.02.2020, informed the 3rd respondent to submit separate files for each year from 2013 to 2020. Thereafter, the 2nd respondent issued proceedings Lr.No.G1/1859/2019, dated 18.02.2020, informing that the 2nd respondent does not have any right to conduct an enquiry regarding the disputes in the Society as per Section 23 of the Act. Challenging the same, the Society, represented by the respondent, filed W.P.No.5537 of 2020.

c) The founder President of the Society, along with the 3rd respondent, filed O.P.No.41 of 2020 to declare the list of Governing Body members dated 20.03.2020 for the year 2020-21 as null and void. I.A.No.1358 of 2020 under Order XXXIX Rule 1 &2 of CPC is filed seeking temporary injunction. Pending the O.P., the founder President died on 12.02.2021. The trial Court dismissed the I.A.No.1358 of 2020 on 28.10.2021. Later, the O.P. was dismissed as not pressed. The Society filed suit O.S.No.631 of 2020 on the file of the Principal Junior Civil Judge, Kadapa, for permanent injunction over the suit schedule properties belonging to the Society, against Shaik Naseeruddin and others. I.A.No.764 of 2020 was filed seeking temporary injunction and the same was granted on 19.01.2021.

d) As per Section 9 of the Act, every year the Society shall furnish the list to the 2nd respondent containing the names and addresses of the members of the Managing Committee. On 17.04.2021, the list of the Governing Body for the year 2021-22, was submitted. The 2nd respondent returned the same vide Lr.No.G1/898/Societies/2021, dated 22.05.2021, informing that certain documents have not been produced. The objections were complied with; however, the 2nd respondent kept the same pending. On 16.05.2022, the list of Governing Body for the year 2022-23 was filed. The 2nd respondent, vide Lr.No.Societies/1288/2022, dated 28.05.2022, reiterated the earlier letter dated 22.05.2021. Thereafter, W.P.No.23644 of 2022 was filed, wherein an interim order was granted on 10.08.2022, directing the 2nd respondent to receive and record the governing body list for the years 2021-22 and 2022-23. The 2nd respondent received the Governing Body list for the years 2021-22 and 2022-23. The rival parties got impleaded in the said writ petition, and later W.P.No.23644 of 2022 was closed on 03.10.2022.

e) The Society, vide letter dated 15.04.2023, submitted the Governing Body list for the year 2023-24 to the 2nd respondent. The 2nd respondent, vide proceedings in Endt.No.G1/998-1/Societies/2023, dated 05.05.2023, refused to receive the Governing Body list for the year 2023-24. It was stated that one person, by name Alhaj Syed Akbar Bhukari, claiming to be the President of the Society, has also submitted the list of the Governing Body for the year 2023-24. Challenging the same, W.P.No.16280 of 2023, wherein some rival parties got impleaded.

f) The Society, by letter dated 21.05.2024, submitted the Governing Body list for the year 2024-25 to the 2nd respondent. In response, the 2nd respondent, *vide* proceedings in Endt.No.G1/1943/2024, dated 21.11.2024, refused to receive the Governing Body list for the year 2024-2025. It was stated that Alhaj Syed Akbar Bhukari, claiming to be the President of the Society, had also submitted the list of the Governing Body for the year 2024-25, and the same was also not received. The said Alhaj Syed Akbar Bhukari

died on 17.01.2025. The Society, by letter dated 26.07.2025, submitted the Governing Body list for the year 2025-26 to the 2nd respondent. In response, the 2nd respondent, *vide* proceedings in Endt.No.G1/Soc/1657/2025, dated 12.09.2025, refused to receive the Governing Body list for the year 2025-2026. Challenging the same, W.P.No.28279 of 2025 was filed.

8. A counter affidavit was filed in W.P.No.281 of 2025 by the 3rd respondent reiterating the averments in the affidavit in W.P.No.28279 of 2025.

9. Likewise, a counter affidavit was filed in W.P.No.28279 of 2025 by the petitioner reiterating the averments in the affidavit in W.P.No.281 of 2025.

10. The District Registrar filed a separate counter affidavit in W.P.No.281 of 2025, contending, inter alia, that in view of the rival claims presented by both the persons in respect of the Society, since the dispute still existed among the members of the Society and the authority is not competent to resolve such issues, the issues are to be resolved as per Section 23 of the Act. Hence, the Governing Body list cannot be taken on record.

11. Heard Sri Ganta Rama Rao, Senior Counsel, appeared assisted by Sridhar counsel appeared for petitioner and Smt Anvesha counsel appeared for respondents, and Sri Divya Taja Assistant Government Pleader appeared for the official respondents.

12. Learned senior counsel, while reiterating the contentions as per the averments made in the affidavit, would contend that the 2nd respondent had no authority to reject the list of governing body members furnished by the petitioners. The respondent was terminated from the society; hence, he had no authority to submit the list. He would further submit that the 2nd respondent could have accepted the list submitted by the petitioner. The rejection order passed by the 2nd respondent is illegal and arbitrary. Learned senior counsel

relied upon **A.P.Aboobaker Musaliar Vs. Dist.Registrar (G), Kozhikode and others**[1].

13. Smt. Sodum Anvesha, learned counsel appearing for the 3rd respondent, on the other hand, would submit that the petitioner, was terminated from society. The respondent is the president of the society. The list of Governing Body members furnished by the respondent, the 2nd respondent would have received. The rejection orders passed by the 2nd respondent are illegal and arbitrary. Learned counsel relied upon **Dr. Raghavarao Polavarapu and another Vs. State of Andhra Pradesh and others**[2]**.**

14. Learned Assistant Government Pleader supported the rejection order passed by the 2nd respondent and would contend that rival parties submitted the list of General Body members and hence the authority rejected the same and directed the rival parties to resolve the dispute.

15. The point for consideration is:

Whether the proceedings impugned in the two writ petitions are legally sustainable?

16. The facts narrated require no reiteration. As seen from the narration, two brothers of the deceased founder of the petitioner society are claiming control over the society. Both the petitioner and respondent are claiming that the other was terminated from the society. This Court, at this juncture, is not going into those aspects while exercising jurisdiction under Article 226 of the Constitution of India.

17. In the writ petition filed by the respondent in W.P.No.23644 of 2022, initially, an interim order was granted to receive the list of Governing Body Members furnished on 17.04.2021 and 16.05.2022. Of course, the petitioner

[1] (2004) 11 SCC 247
[2] 2022 (2) ALD 31

was impleaded in the said writ petition. Later, the writ petition was closed on 03.10.2024. The operative portion of the order reads as follows:

> "On the other hand, Sri Ghanta Rama Rao, learned Senior Counsel submitted that this writ petition has been filed suppressing several facts and the petitioners are now asking to close the Writ Petition. However, prayed to 2 close the writ petition granting liberty to the respondents to raise all the objections before competent authority.
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> In view of the above submissions, this Writ Petition is liable to be closed and accordingly, the Writ Petition is closed. However, the parties are at liberty to raise all the grounds before the appropriate authority. There shall be no order as to costs."

18. The main grievance of the petitioner and the respondent is that the 2nd respondent is not receiving the list of Governing Body Members of the society under Sec 9 of the Act. Though there is a dispute regarding the termination and election of the Governing Body, both the counsel on the principle would submit that under Section 9 of the Act, the Registrar can only receive and keep them on file, and the authority cannot reject the same.

19. It is appropriate to extract Section 9 of the Act, 2001, which reads as follows:

> "**Filling of annual list** - Every year the society shall within fifteen days from the date on which the General Body meeting was held furnish a list to the Registrar of societies which shall contain the names and addresses of the members of the Managing Committee and Officers entrusted with the management of the affairs of the Society."

20. A perusal of the said provision would indicate that every year, the Society shall furnish the annual list to the Registrar within fifteen days from the date of holding of the General Body Meeting. The Societies Registration Act, 2001 does not confer power on the Registrar to accept/reject the annual list.

The language in the section would denote that the Registrar must receive and keep the annual list on file.

21. It is pertinent to refer to the judgment of this court in **Kasturidevi Vidyalayam Committee Vs. State of A.P.**[3], wherein a learned single judge, while referring to the division bench held that the Registrar is bound to receive and keep the annual list on file. The relevant paragraph is extracted as under:

> "41. Therefore, for all these reasons and as per the existing law (2001 Act), this Court holds that **the Registrar is bound to receive and file the annual list of members that are filed by the society. He has to keep them on his record. He cannot either accept or reject the same. Such a power of adjudication is not conferred on the Registrar.** As per the Division Bench judgment reported in *Mokkapati Chandra Sekhara Rao* v. *Pragathi Educational Society, Guntur District, (2019) 1 ALD 196,* by the combined high Court of State of A.P., the Registrar can only receive and keep the lists on his file. Any member or person dissatisfied with the same has to seek legal recourse only. But the Registrar cannot for any reason enter into enquiries or decide on the validity etc., of the list. He cannot look into issues like quorum of the meeting etc. Even on issues like forgery of signatures etc., or mismatch of signatures etc., the Courts themselves are very circumspect in taking a decision on these issues and often look for expert evidence on such matters. The Registrar in the opinion of this Court cannot also enter into these areas of enquiry as he does not have either the legal competence or the expertise to decide on matters of differences in signatures etc."

22. Further, the Act doesn't suggest the consequences of non-filing of the annual list and also the delayed filing of the annual list. In the absence of the same, when the Act does not confer any right to the Registrar in accepting or rejecting the annual list filed by the Society, the action of the Registrar in refusing to receive the annual list filed by the petitioner and the respondent is

[3] 2021 SCC OnLine AP 4008

beyond the power conferred under the Act. In fact, an interim order was passed on 22.09.2029 in the writ petitions to receive the list submitted by both the petitioner as well as the respondent.

23. In **Dr.Raghavarao's** case, the Coordinate Bench of this Court, elaborately considered an identical issue including **Aboobaker's** case and other precedents, held at paras 38 and 39 as follows:

> "38. Case law was also cited to argue that the power to accept one list and to reject another is an "incidental power" which need not be conferred expressly. This Court finds that most of these cases relate to quasi-judicial authorities; tribunals etc., which need these incidental powers to effectively discharge their function. The Societies Registration Act, 2001 does not give such a power to the Registrar under Section 9 of the Act. The difference in the language used in Section 8 (5) of the Act and Section 9 of the Act is a clear pointer in this direction. Lastly even if such power is there; this court finds that the Registrar did not exercise his power properly and that the decision making process is flawed, warranting judicial interference.
>
> 39. Therefore, for all the above mentioned reasons this Court finds that the Registrar erred in giving an endorsement "accepting" the document filed by the unofficial respondents and "rejecting" the document filed by the petitioners. The statements that the petitioners' documents are "rejected" and that the respondents' documents are "admitted/accepted" are both wrong in the opinion of this Court. Even the reasons furnished by the Registrar for coming to a conclusion are erroneous and contrary to law. Therefore, the prayer in Writ Petition is partially allowed. **This Court holds that the Registrar has no power either to "accept" or to "reject" an annual list filed under Section 9 of the Act. He can only acknowledge its receipt and file the same.** A Mandamus is issued against the acceptance of one list while rejecting the other. Since there are seriously disputed questions on fact and law in this Writ Petition, this Court is not entering into those areas. Therefore, the other prayers made

are rejected. The parties are left to choose their own options and to pursue their legal remedies as mandated by law including the correctness or otherwise of the lists etc., filed by them pursuant to the meetings held on 24.06.2021. With these observations the Writ Petition is partially allowed and endorsements given by the Registrar (as accepted/rejected) are set aside. The lists filed by both the parties are directed to be kept in the record of the 2nd respondent. They shall necessarily be subject to the final decision of a competent Court or arbitrator as the case may be."

The ratio in **Dr. Raghava Rao's** case is squarely applicable to the facts of the case. This Court is not going into the disputed questions vis-à-vis the claim petitioner on one side and the respondent on the other.

24. In view of the above, since the Act neither provides any consequences for non-filing of annual list nor confers any right on the Registrar to accept or reject the annual list submitted by a society except to receive and keep it on file, the impugned proceedings issued by the 2nd respondent in both the writ petitions are liable to be set aside. Hence, this Court is inclined to pass the following order:

i. The proceedings issued by the 2nd respondent *vide* Endt.No.G1/1943/2024, dated 21.11.2024, assailed in W.P.No.281 of 2025 is set aside.

ii. The proceedings *vide* Endt.No.G1/1943/2024, dated 21.11.2024; Endt.No.G1/Soc/1657/2025, dated 12.09.2025 and Lr.No.E1/Societies/674/2025, dated 15.05.2026 (Ex.P1), assailed in, are set aside.

iii. The 2nd respondent shall receive the annual lists submitted by the petitioner as well as the respondent on behalf of the Society under Section 9 of the Andhra Pradesh Societies Registration Act, 2001 and keep them on file.

iv. However, this order does not preclude the petitioner and respondents and the members of the Society to settle the disputes, if any, before the jurisdictional Court in accordance with law.

25. Accordingly, these Writ Petitions are Disposed of. No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI

PVD