

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

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**WRIT PETITION No.8996 of 2000**

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**Dated : 21.09.2007**

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**Between:**

Telecom Employees Colony Welfare Association,  
(Regd.No.2463/1988), rep., by its Secretary,  
D.Ramachandraiah s/o late D.Santaiah.

**..... PETITIONER**

**And:**

The Registrar of Societies,  
Andhra Pradesh, Charminar Cross Roads,  
Hyderabad and others.

**.....RESPONDENTS**

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**ORDER:**

Petitioner is a Society, registered under the Andhra Pradesh Societies Registration Act (for short "the Act"). The petitioner society was formed for the purpose of providing amenities and to ensure development of the plots purchased by the employees of the Telecom. While so, on 13.06.2002, the fourth respondent collected an amount of Rs.4,00,000/- from the employees of the Telecom, who are the members of the petitioner society, in the name of the third respondent. When questioned, the fourth respondent showed the byelaws of the third respondent society. On enquiry petitioner came to know that the fourth

respondent along with four others, who are neither the employees of Telecom nor the members of the petitioner society, got the third respondent society registered on 27.03.2003, resembling the petitioner society. Thereafter, on 18.10.2003 petitioner submitted a representation to the second respondent to cancel the third respondent society, but in vain. Hence, this writ petition seeking a direction to respondents 1 and 2 to delete and remove the name of the third respondent society from the record of registration.

Despite service of notice, no counter-affidavit is filed on behalf of the respondents.

Heard the learned counsel for the petitioner.

Petitioner society was registered with registration No.2463 in the year 1988 and the third respondent society was registered in the year 2003 with registration No.401. The contention of the learned counsel for the petitioner is that as per the consolidated Societies Registration Act, which came into force in the year 2001, no society shall be registered in a district by a name which is identical with that of another society registered in the same district, and the same has to be accepted in view of Section 6(2)(a) of the Act. It may be relevant to extract the said provision, which is as under:

“Section 6 (2)(a): No society shall be registered in a District by a name, which is identical with that of another registered society in existence in the same District or so nearly resembling it so as to mislead except where the registered society in existence is in the course of being dissolved and signifies in writing its consent to such registration.”

From the above it is clear that when the petitioner society was registered as early as in the year 1988, the third respondent society ought not to have been registered in the same name for the welfare of Telecom employees in the year 2003 that too in the individual name. Therefore, both registering the society in the name identical to the petitioner-society, and also registering in the name of individual are contrary to the

provisions of Section 6(2)(a) of the Act.

Accordingly, the writ petition is allowed and a Mandamus is issued directing respondents 1 and 2 to remove the name of the third respondent from the record of registration. There shall be no order as to costs.

21.09.2007

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