

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND**

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL NO: 1113 OF 2024**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 21-08-2024 in W.P.No.17184 of 2024 on the file of the High Court.

**Between:**

M/s Hill County Apartment Owners Association (HCVOA), Rep by its president B. Uday Shankar Raju S/o. B. Sita Ramachandra Raju, aged about 44 years, Occ. Service R/o. 9D, Nainital Tower, Hill County, Bachupally, Hyderabad, Telangana-500118.

**.....APPELLANT/RESPONDENT No.4**

**AND**

1. Durvasula Site Mahalakshmi, W/o.D.V.S.Ram Prabhakar, Aged 50 Years, Occ. Software Employee, R/o. Darjeeling Tower, Apartment 6D, Floor 6, Hill County Apartments, Hill County, Bachupally, Hyderabad.

**....RESPONDENTS/WRIT PETITIONER**

2. The State of Telangana, Rep by its Principal Secretary Revenue Department (Registration), Telangana, Secretariat, Khairtabad, Hyderabad.
3. The Commissioner and Inspector, General of Registration and Stamps, Telangana State, Hyderabad.
4. The District Registrar-cum-The Registrar of Societies, Ranga Reddy District, Telangana.
5. HDFC Bank Ltd, Rep by its MD/CEO Churchgate, Mumbai- 400020.

**.....RESPONDENTS/RESPONDENTS**

**I.A.NO:2 OF 2024**

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

suspend the operation of the Orders in W.P. No. 17184 of 2024 dated 21.08.2024, pending the above Appeal in the above stated facts

**Counsel for Appellant : SRI A.RAVINDER REDDY, SENIOR COUNSEL FOR SRI JELLA SRIKANTH**

**Counsel for Respondent No.1: SRI N.KRISHNA SUMANTH**

**Counsel for Respondent Nos.2 to 4 : G.P FOR REVENUE**

**Counsel for Respondent No.5 : SRI Y.SHREYAS REDDY**

**The Court made the following JUDGMENT : -**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL No.1113 of 2024**

**JUDGMENT:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. A. Ravinder Reddy, learned Senior Counsel represents Mr. Jella Srikanth, learned counsel for the appellant.

Mr. N. Krishna Sumanth, learned counsel appears for respondent No.1.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Stamps & Registration appears for respondent Nos.2 to 4.

Mr. Shreyas Reddy Y, learned counsel appears for M/s. Indus Law Firm, learned counsel for respondent No.5.

2. With the consent of the learned counsel for the parties, the Writ Appeal is heard finally.
3. In this intra court appeal, the appellant, namely, M/s. Hill County Apartment Owners Association (hereinafter referred to as 'the Association'), has assailed the validity of

the order dated 21.08.2024 passed by the learned Single Judge, by which the registration certificate issued in favour of the appellant under the provisions of the Andhra Pradesh Societies Registration Act, 2001 (hereinafter referred to as 'the 2001 Act'), has been quashed.

4. Facts giving rise to filing of the Writ Appeal briefly stated are that respondent No.1 claims to be the owner of an apartment in Hill County situate at Bachupally, Hyderabad. The Association of the residents was formed which was registered under the 2001 Act. Respondent No.1 challenged the validity of registration of the Association under the 2001 Act in the aforesaid Writ Petition.

5. The learned Single Judge by placing reliance on an order dated 01.09.2022 passed in Writ Petition No.8856 of 2022, quashed the registration of the Association. Hence, this Writ Appeal.

6. Learned Senior Counsel for the appellant fairly submitted that the order dated 21.08.2024 passed by the

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learned Single Judge is in consonance with law. It is further submitted that in pursuance of the liberty granted by the learned Single Judge, the Association has already filed an application for registration on 10.09.2024 under the provisions of the Telangana Mutually Aided Cooperative Societies Act, 1995 (hereinafter referred to as 'the 1995 Act') and the aforesaid application is pending. It is further submitted that the term of the elected Office bearers of the Association has also expired. However, the affairs of the Association are required to be managed till a new body is elected. It is therefore submitted that the appellant be permitted to manage the affairs of the Association till the process of registration under the 1995 Act is complete and elections are held.

7. Learned Senior Counsel states before this Court that the outgoing body of the Association shall conduct the election within a period of two (2) months from the date of registration of the Association under the 1995 Act and shall handover the accounts to the newly elected body. It is therefore urged that

the order dated 21.08.2024 passed by the learned Single Judge be modified to the aforesaid extent.

8. The said prayer has not been opposed by Mr. N. Krishna Sumanth, learned counsel for respondent No.1. The learned counsel for respondent No.1 states before this Court that the Assistant Registrar, Office of the District Cooperative Officer, Medchal-Malkajgiri District, shall decide the application for registration submitted by the Association within a period of one month from the date of receipt of a copy of the order passed today.

9. We have considered the rival submissions made on both sides.

10. The learned Single Judge has cancelled the registration of the Association under the 2001 Act. It is also not in dispute that the Association has already filed an application on 10.09.2024 before the Assistant Registrar, Office of the District Cooperative Officer, Medchal-Malkajgiri District, and till the elections are held, the affairs of the Association are

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required to be managed and the salaries are required to be paid to the employees of the Association. Therefore, following directions are issued:

- i) The Assistant Registrar, Office of District Cooperative Officer, Medchal-Malakajiri District, shall decide the application submitted by the Association seeking registration under the 1995 Act, within a period of four (4) weeks from the date of receipt of a copy of the order.
- ii) Within a period of two (2) months from the date of registration of the Association, the outgoing body of the Association shall conduct elections to the Association and on election of a new body, shall handover the accounts to the newly elected body.
- iii) Till the elections are held, the outgoing body of the Association is permitted to carry out the day-to-day affairs of the Association.

11. To the aforesaid extent, the order dated 21.08.2024 passed by the learned Single Judge is modified.

In the result, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department (Registration), Telangana, Secretariat, Khairtabad, State of Telangana at Hyderabad.
2. The Commissioner and Inspector, General of Registration and Stamps, Telangana State, Hyderabad.
3. The District Registrar-cum-The Registrar of Societies, Ranga Reddy District, Telangana.
4. The Assistant Registrar Officer of Distict Cooperative officer, Medcahl Malakajiri District.
5. The MD / CEO, HDFC Bank Ltd, Churchgate, Mumbai- 400020.
6. Two CC's to G.P FOR REVENUE, High Court for the State of Telangana at Hyderabad. (OUT)
7. One CC to SRI JELLA SRIKANTH, Advocate [OPUC]
8. One CC to SRI N.KRISHNA SUMANTH, Advocate [OPUC]
9. One CC to SRI Y.SHREYAS REDDY, Advocate (OPUC)
10. Two CD Copies

SA  
GJP

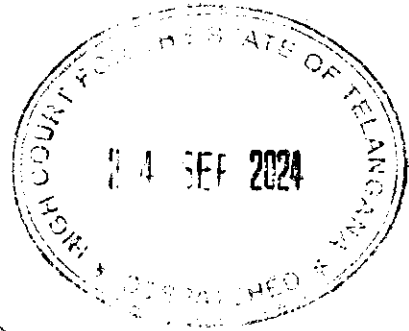




C.C. TODAY

HIGH COURT

DATED:23/09/2024



JUDGMENT

WA.No.1113 of 2024

DISPOSING OF THE W.A  
WITHOUT COSTS.

⑬  
24/09/24  
bvs