

## HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE FOURTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL NO: 1551 OF 2013

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 14.06.2013 passed in WP No.16764/2013 on the file of the High Court.

**Between:**

1. Mrs. Nirmala Kale (M.A. Bed),  
W/o. Sri. P.R. Kale (I.A. & A.S. retd),  
Occ: Committed believer of Lord Jesus Christ &  
member of the Bro. Bakht Singh Fellowship.  
R/o. H.No. 1-30-15/1, Tirumala Nagar,  
Kanajiguda, Secunderabad-500 015, A.P.

2. John Sushil Kale (B.E.),  
S/o. Sri. P.R. Kale (I.A. & A.S. retd),  
Engineer by qualification & member of the  
Bro. Bakht Singh Fellowship,  
R/o. H.No. 1-30-15/1, Tirumala Nagar,  
Kanajiguda, Secunderabad-500 015, A.P.

...Appellants

AND

1. The Society of Trustees of Indigenous Churches,  
in India, (Regn. No. 114/1971), "Hebron", 1-1-574,  
Golconda Cross Roads, Musheerabad,  
Hyderabad-500 020 represented (at the material time) by  
its Governing Body comprising of respondents 2 to 6.

2. Bro. Kuruvilla Philip, S/o. late Sri. V.K. Philips,  
Aged about 94 years, Governing Body member  
(at the material time), of the 1<sup>st</sup> respondent Society,  
"Jehovah-Shammah" Church premises, Ritherdon Road,  
Vepery, Chennai-600 007.

3. Bro. Theodore Reginald, S/o. late Sri. Sargunar,  
Aged about 68 years, Governing Body member  
(at the material time), of the 1<sup>st</sup> respondent Society,  
11/21, Kalaimagalnagar, Poonamally, Chennai-600 056.

4. Bro. F.C.S. Peter, S/o. Sri. M.N. Peter,  
Aged about 68 years, Governing Body member  
(at the material time), of the 1<sup>st</sup> respondent Society,  
Flat No. 302, Sri Tirumala Rati Residency, House No.  
1-1-421/A/3, Madhavarao Lane, Gandhi Nagar, Hyderabad-500 080.

5. late Bro. G.T. Benjamin, S/o. late G. Thirumalaiah,  
Aged about 86 years, Governing Body member  
(at the material time), of the 1<sup>st</sup> respondent Society,  
1-1-419, Gandhinagar, Hyderabad- 500 080.

6. Bro. Paul Sudhakar, S/o. Sri. K. Elisha, Aged about 56 years, Governing Body member (at the material time), of the 1<sup>st</sup> respondent Society, 364/C, Mizpah, Ananda Nagar, Kondapur-500 032.
7. The Registrar of Societies, Q/o The Commissioner & Inspector General of Registration and Stamps, NBK Estates, A.P., Hyderabad.
8. The Registrar of Societies, Office of the District Registrar, Red Hills, Hyderabad.
9. Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad (Registrar General), NBK Estates, Golconda X Roads, Hyderabad-20, Andhra Pradesh
10. The Sub-Registrar, Chikkadpally, Office of the Sub-Registrar, Chikkadpally, Hyderabad.
11. The Indigenous Churches in India Trust, Hebron, Golconda X Roads, Hyderabad-500 020 rep. by its (purported) Chairman Bro. Kuruvilla Philips.
12. Bro. Kuruvilla Philip, S/o. late Sri. V. K. Philips, (purported) Trustee of 11<sup>th</sup> respondent "Trust", aged about 94 years, "Jehovah-Shammah" Church, Ritherdon Road, Vepery, Chennai
13. Bro. Theodore Reginald, S/o. Sri. Sargunar, (purported) Trustee of 11<sup>th</sup> respondent "Trust", aged about 68 years, Kalaimagalnagar, Poonamally, Chennai-600 056.
14. Bro. F. C. S. Peter, S/o. Sri. M. N. Peter, (purported) Trustee of 11<sup>th</sup> respondent "Trust", aged about 68 years, Flat No. 302, Sri Tirumala Rati Residency, House No. 1-1-421/A/3, Madhavarao Lane, Gandhi Nagar, Hyderabad-500 080.
15. (late) Bro. G. T. Benjamin, S/o. Sri. G. Thirumalaiah, (purported) Trustee of 11<sup>th</sup> respondent "Trust", aged about 86 years, 1-1-419, Gandhinagar, Hyderabad-500 048 (respondent no. 13 passed away (died) in August, 2010)
16. Bro. Paul Sudhakar, S/o. Sri. K. Elisha, Aged about 56 years, (purported) Trustee of 11<sup>th</sup> respondent "Trust", 364/C, Mizpah, Ananda Nagar, Kondapur-500 032.
17. Bro. Kuruvilla Philip, S/o. late Sri. V. K. Philips, member of the Bro. Bakht Singh Fellowship, aged about 94 years, "Jehovah-Shammah" Church, Ritherdon Road, Vepery, Chennai
18. Bro. Andrew, S/o. B. Akkulappa, aged about 62 years, member of the Bro. Bakht Singh Fellowship, New Jerusalem House of Worship, Manjira pipe lines, Sangareddy, Medak District.
19. Bro. Joseph P. Kurian, S/o. late P. J. Kurian, Aged about 63 years, member of the Bro. Bakht Singh Fellowship, "Hebron", Golconda Cross Roads, Musheerabad, Hyderabad-20

Nimla Kale

John Kale

20. Bro. Nehemiah, aged about 65 years, member of the Bro. Bakht Singh Fellowship, "Jerusalem", Bellary Road, Kurnool-518 004.

21. Bro. Chellapally Peter, Age: major, member of the Bro. Bakht Singh Fellowship, Chellapally (M), Krishna District-521 126.

22. Bro. M. Jeremiah, Age: Major, 26/22, Solaiaman Koil Street, member of the Bro. Bakht Singh Fellowship, Purusawalkam, Chennai-600 007

23. Bro. Victor Tyagarajan, Age: Major, member of the Bro. Bakht Singh Fellowship, DA, Kalainikethan Apartments, Balaji Nagar, Tadikuppam Rd, Anna Nagar West, Chennai-600 040.

24. Bro. H. V. Srinivasan, Age: Major, member of the Bro. Bakht Singh Fellowship, No. 59, 3<sup>rd</sup> Main Road, South Jagannath Nagar, Dillivalkam, Chennai-600 049.

25. Bro. B. Timothy, S/o. Ramachandraiah Chetty, Age: Major, member of the Bro. Bakht Singh Fellowship, Janapriya Apartment, 5<sup>th</sup> Block, 155, Near Golconda Cross Roads, Musheerabad, Hyderabad.

26. Bro. Y. John Subba Reddy, S/o. Ram Subba Reddy, Age: Major, (purported) Trustee of 11<sup>th</sup> respondent "Trust", Eschol Prayer House, Lane, Cloughpet, Ongole, Prakasham District.

27. Bro. K. M. Samson, S/o. K. Satyaveerudu, Age: Major, (purported) Trustee of 11<sup>th</sup> respondent "Trust", Near Siddharth Lodge, Railway Station Road, Kadapa.

..... Respondents

**I.A. NO: 1 OF 2013(WAMP. NO: 3109 OF 2013)**

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 order of the learned single judge, dated 14-06-2013, in Writ Petition No. 16764/2013, pending disposal of the appeal.

**I.A. NO: 2 OF 2013(WAMP. NO: 3110 OF 2013)**

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 Respondent Nos. 2 to 6, their agents, representatives, power of attorney holders, etc not to "transfer" (by act of party, such as by way of purported conveyance deeds, etc), henceforth, any properties or funds (allegedly) belonging to the 1st Respondent-Society, to the 11th Respondent-Trust, and without prejudice to the aforementioned prayer, so also, to direct the Respondent Nos.11 to 16, 26 & 27, their agents, representatives, power of attorney holders, etc, not to "transfer" (by act of party) henceforth any properties or funds (allegedly) belonging to the 1<sup>st</sup> respondent-Society, to any other person(s), body or entity, pending disposal of the appeal.

**Counsel for the Appellants: SRI JOHN SUSHIL KALE (PARTY-IN-PERSON) ✓**

**Counsel for the Respondent No.1: SRI K.V.BHANU PRASAD, Sr. COUNSEL,  
REP. FOR  
SRI KOTHAPALLI SAI SRI HARSHA**

**Counsel for the Respondent No.3, 4, 11 & 14: SRI B.NALIN KUMAR, Sr.  
COUNSEL, REP. FOR  
SRI N.VENKATESWARA RAO**

**Counsel for the Respondent No.7 & 8: GP FOR COOPERATION**

**Counsel for the Respondent No.9 & 10: GP FOR STAMPS & REGISTRATION**

**The Court delivered the following: JUDGEMENT**

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

**WRIT APPEAL No.1551 OF 2013**

**JUDGMENT:** *(per the Hon'ble Sri Justice J.Sreenivas Rao)*

This intra Court appeal is filed by the appellants aggrieved by the order dated 14.06.2013 passed by the learned Single Judge dismissing W.P.No.16764 of 2013.

2. Heard Sri John Sushil Kale, learned party-in-person and Sri K.V.Bhanu Prasad, learned Senior Counsel representing Sri K. Sai Sri Harsha, learned counsel for respondent No.1, Sri B.Nalin Kumar, learned Senior Counsel representing Sri N. Venkateshwara Rao, learned counsel for respondent Nos.3, 4, 11 and 14.

3. Learned party-in-person submits that during the pendency of the writ appeal appellant No.1 namely Mrs. Nirmala Kale, who is mother of appellant No.2, died and no other legal heirs are there except appellant No.2, who is already on record.

**4. Brief facts of the case:**

4.1. According to appellants they are the longest standing members of the Brother Bakht Singh Fellowship (also known as "The Indigenous Churches in India" or the "Hebron Fellowship")

which is a Protestant Christian religious denomination founded by one late Brother Bakht Singh in the year 1941-42. The said religious denomination as per the case of appellants comprises of about one thousand "Churches" called "Assemblies/local churches/indigenous churches" located all over India which are integral constituents of Brother Bakht Singh Fellowship which is a major and general church. It is pleaded in the writ petition that the said church is having several immovable properties as well as funds total worth several 100 Crores of Rupees vested in respondent No.1 Society. As per the averments made in the writ petition the said society purported to be a trustee in the Brother Bakht Singh Fellowship. According to appellants, respondent No.1 Society by its governing body members comprising of respondent Nos.2 to 6 conducted General Body Meeting and passed resolution dated 23.03.2004 dissolving the Society of Trustees of Indigenous Churches in India and transferring its assets and liabilities to the Indigenous Churches in India Trust by 10.00 A.M. on 25.03.2004. It is pleaded that same is in gross violation of Section 25 Read with Section 2(n) as well as Section 24 of the Andhra Pradesh/Telangana Societies Registration Act, 2001 ('Act' for brevity). Questioning the said resolution, the appellants approached this Court by filing W.P.No.16764 of 2013.

The learned Single Judge dismissed the writ petition on the ground that same is not maintainable.

**Submissions of the learned party-in-person:**

5. Learned party-in-person contended that the writ petition filed under Article 226 of Constitution of India is maintainable as respondent No.1 Society is discharging the public duty and has passed resolution contrary to the provisions of the Act. It is submitted that official respondents are entitled to take action under the Act. In such circumstances, the learned Single Judge ought to have decided the matter on merits. In support of his contentions he relied upon the following judgments of Hon'ble Supreme Court in:

(i) *Ram Charan Agarwala and others Vs. Shridhar Misra and other*<sup>1</sup>,

(ii) *Lakshmanaswami Mudaliar and others Vs. Life Insurance Corporation of India and Another*<sup>2</sup>,

(iii) *Bishwanath and another Vs. Sri Thakur Radha Ballabhji and others*<sup>3</sup>.

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<sup>1</sup> AIR 1962 ALLAHABAD 610

<sup>2</sup> AIR 1965 SC 1185

<sup>3</sup> AIR 1967 SC 1044

**Submissions of learned Senior Counsel for respondent Nos.3, 4, 11 and 14:**

6. *Per contra*, learned Senior Counsel appearing for respondent Nos.3, 4, 11 and 14 submits that appellant No.2 is not having locus standi to question the impugned resolution and he is not a member of the respondent No.1 Society. He further submits that K. Jairaj and another filed suit in O.S.No.380 of 2010 on the file of II Additional Chief Judge, City Civil Courts, Hyderabad against respondent No.11 and others seeking declaration of defendant No.1 Trust therein as successor of the Society of Trustees of Indigenous Churches in India (Registration No.114 of 1971) in pursuance of the resolution dated 23.03.2004 as nonest in the eye of law and also sought other reliefs. In the said suit the appellants have filed I.A.No.4233 of 2010 seeking impleadment as party defendants and the said application was allowed on 09.04.2012 and the said suit is pending and when the said suit is pending the appellants are not entitled to question the very same resolution dated 23.03.2004 in the writ petition and the learned Single Judge has rightly dismissed the writ petition on the ground that respondent No.1 Society does not come within the purview of Article 12 of Constitution of India and there is no illegality or



irregularity in the impugned order passed by the learned Single Judge.

**Submissions of learned Senior Counsel for respondent No.1:**

7. Sri K.V.Bhanu Prasad, learned Senior Counsel for respondent No.1 submits that Registrar of Societies issued Letter No.Soc2/10869/200P, dated 30.07.2008 wherein it is stated that the resolution passed by respondent No.1 Society resolving that the assets and liabilities be transferred to Indigenous Churches in India Trust is against the provisions of the Act and respondent No.1 Society was not dissolved due to pending Court cases and as stipulated in Sections 24 and 25 of the Act, the conditions were not fulfilled/followed by the respondent No.1 Society and in view of the above said proceedings, cause in the writ appeal does not survive.

**Reply submissions of learned party-in-person:**

8. Learned party-in-person by way of reply submits that learned counsel for respondent No.1 Society has not brought the above said proceedings dated 30.07.2008 before the learned Single Judge and for the first time he placed the same before this Court and the same cannot be considered.

**Analysis of the case:**

9. Considered the rival submissions made by respective parties and perused the material available on record. It is evident that the appellants have filed the writ petition questioning the resolution/minutes of the General Body Meeting of the respondent No.1 Society dated 23.03.2004 dissolving the Society of Trustees of Indigenous Churches in India and transferring the assets and liabilities if any to the Indigenous Churches in India Trust by 10.00 A.M. on 25.03.2004. Learned Single Judge dismissed the said writ petition on the ground that respondent No.1 Society does not come within ambit of State as defined under Article 12 of Constitution of India and the writ petition filed by the appellants invoking the jurisdiction of Article 226 of Constitution of India is not maintainable, however, the appellants are not precluded to pursue the appropriate remedies in the matter in accordance with law before appropriate forum.

10. It is also pertinent to mention here that the Registrar of Societies, Office of Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad issued Letter No.Soc2/10869/200P dated 30.07.2008 wherein it is held as follows:

“Further informed that in the resolution dated 24.01.2004 resolved that the assets and

liabilities transferred to "Indigenous Churches in India Trust" is against the Act.

In view of the above, the above said society was not dissolved due to pending Court Cases and as stipulated in Sections 24 and 25 of A.P. Societies Registration Act, 2001, the conditions were not fulfilled/followed by the above Society."

11. The above proceedings clearly reveals that the impugned resolution passed by respondent No.1 Society dissolving the Society of Trustees of Indigenous Churches in India and transferring the assets and liabilities to the Indigenous Churches in India Trust was not accepted by the competent authority on the ground that same is in contravention of provisions of the Act. This Court is of the considered view that by virtue of the above said proceedings dated 30.07.2008, the main grievance of the appellant in the present writ appeal does not survive for consideration.

12. It is pertinent to note that the issue with regard to the validity of resolution dated 23.03.2024 is pending adjudication in O.S.No.380 of 2010 before the II Additional Chief Judge, City Civil Court, Hyderabad. The appellant No.2 is a party defendant in the said suit and is entitled to canvas the grievance in the pending suit. The learned Single Judge has rightly held that the writ petition against the Society is not maintainable as it does not fall within the purview of the Article 12 of the Constitution of India and does not perform any public duty.

13. Learned Senior Counsel for the respondent Nos.3, 4, 11 and 14 seeks leave of this Court to assail the letter dated 30.07.2008 issued by the Registrar of Societies in accordance with law. Therefore, the parties are granted the liberty to avail all such remedies as are available to them before appropriate forum, in case their grievance is still subsisting, including the liberty to prosecute/contest pending O.S.No.380 of 2010.

14. To the aforesaid extent, the order passed by the learned Single Judge is modified.

15. Accordingly, the writ appeal is disposed of accordingly. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- T.KRISHNA KUMAR,  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar of Societies, O/o The Commissioner and Inspector General of Registration and Stamps, NBK Estates, A.P., Hyderabad.
2. The Registrar of Societies, Office of the District Registrar, Red Hills, Hyderabad.
3. The Commissioner and Inspector General of Registration and, Stamps, Andhra Pradesh, Hyderabad (Registrar General), NBK Estates, Golconda X Roads, Hyderabad-20, Andhra Pradesh
4. The Sub-Registrar, Chikkadpally, Office of the Sub-Registrar, Chikkadpally, Hyderabad.
5. One CC to SRI JOHN SUSHIL KALE, [PARTY-IN-PERSON]
6. One CC to SRI KOTHAPALLI SAI SRI HARSHA, Advocate [OPUC]
7. One CC to SRI N.VENKATESWARA RAO, Advocate [OPUC]
8. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CCs to GP FOR COOPERATION, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CD Copies

BSR

LS *Kg*

**HIGH COURT**

**DATED: 04/10/2024**

**JUDGMENT**

**WA.No.1551 of 2013**



**DISPOSING OF THE WRIT APPEAL,  
WITHOUT COSTS**

14 copies  
for  
17/10/24