

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

SATURDAY, THE TWENTY FIRST DAY OF MAY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE DR. JUSTICE K MANMADHA RAO



WP(S.R) NO: 20530 of 2022

Between:

1. NRI Academy of Sciences, Through its Administrator, Mangalagiri Road, Chinakakai, Guntur, Andhra Pradesh-522503.
2. M. Vishnuvardhana Rao, S/o. Mandava Venkata Ratnam. Aged about 61 years, R/o. Flat No.402, Samskruti Apartments, Gurunanak Nagar Colony, Vijayawada, Andhra Pradesh-520008.

...Petitioners

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat, Amaravathi.
2. The Station House Officer, Mangalagiri Rural P.S., Guntur District, Andhra Pradesh.
3. Central Industrial Security Force, Through Ministry of Home Affairs, Government of India, New Delhi.

...Respondents

WHEREAS the Petitioners above named through their Advocate Smt. S. Pranathi presented this 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, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to receive the complaint and in refusing to grant police protection to the 2nd petitioner for carrying out the administration of the 1st petitioner Society, inspite of the orders dated 14.05.2022 passed by the Ld. Sole Arbitrator and the order dated 19.05.2022 passed by the Hon'ble Delhi High Court in Arb.A.(Comm). No.24/2022 and 25/2022 as illegal, arbitrary and unconstitutional and consequentially:

- i. direct the respondents to ensure smooth functioning of the petitioner no.1- society under the administration of petitioner no.2 by providing the necessary protection and
- ii. direct the respondents to give protection to the petitioner no.2 from individuals who are interfering with the administration of the petitioner No.1- society;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Smt. S. Pranathi, Advocate for the Petitioners, Assistant Government Pleader for Home Affairs appearing for the respondents No.1 and 2 and Sri Venna Hemanth Kumar, learned counsel representing the learned Standing Counsel for the Central Government appearing for respondent No.3 and Sri P. Veera Reddy, Senior Counsel, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat, Amaravathi.
2. The Station House Officer, Mangalagiri Rural P.S., Guntur District, Andhra Pradesh.
3. Central Industrial Security Force, Through Ministry of Home Affairs, Government of India, New Delhi.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 21.06.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to give interim protection to the petitioner no.2, so as to ensure smooth administration of the petitioner no.1 - society and individuals from obstructing the petitioner no.2 from discharging functions as administrator of the petitioner no.1 – society, pending disposal of WP(SR) No.20530 of 2022, on the file of the High Court.

The Court made the following;

ORDER:

“Notice before admission.

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

“to issue an appropriate Writ Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to receive the complaint and in refusing to grant police protection to the 2nd petitioner for carrying out the administration of the 1st petitioner Society, in spite of the orders dated 14.5.2022 passed by the learned Sole Arbitrator and the order dated 19.5.2022 passed by the Hon’ble Delhi High Court in Arb.A.(Comm.) No.24 of 2022 and 25 of 2022 as illegal, arbitrary and unconstitutional and consequentially (i) direct the respondents to ensure smooth functioning of the 1st petitioner society and the administration of the 2nd petitioner by providing the necessary protection and (ii) direct the respondents to give protection to the 2nd petitioner from individuals who are interfering with the administration of the 1st petitioner society and pass such other order or orders.....”

2. Heard Smt. S. Pranathi, learned counsel appearing for the petitioner, learned Assistant Government Pleader for Home Affairs appearing for the respondents No.1 and 2 and Sri Venna Hemanth Kumar, learned counsel representing the learned Standing Counsel for the Central Government appearing for respondent No.3.

Whereas, learned Senior Counsel Sri P. Veera Reddy, while representing on behalf of the interested parties, but not parties in this writ petition, argued the matter and represented that he is going to file an implead petition and requested to consider the same. With regard to his appearance and arguments, this Court opined that if he wants to appear on behalf of the interested parties, he is at liberty to file an implead petition.

3. The 1st petitioner is a society registered under Andhra Pradesh Societies Registration Act, 2001 and is represented through its administrator. The society is running a medical college as well as hospital. Vide order dated 22.02.2022 in W.A.No.234 of 2022 and connected matters, a Division Bench of this Court constituted a Tribunal "*comprising Learned Sole Arbitrator- Hon'ble Sri Justice Devinder Gupta (Retd.) in view of Section 23 of the Andhra Pradesh Societies Registration Act, 2001 to adjudicate upon the rival claims of the parties as regards the management and membership of the 1st petitioner Society- NRI Academy of Sciences (NRIAS). It is needless to say, depending upon the need and urgency, both parties would be at liberty to approach the Arbitrator for any interim order. We make it clear that the question of law pertaining to interpretation of Section 9 of the Act, 2001 is left open to be decided in appropriate proceedings.*" In Pursuance of the order dated 22.02.2022, the arbitration proceedings were commenced between the parties and the same was presided over by the sole Arbitrator.

4. Learned sole Arbitrator vide order dated 14.05.2022 appointed the 2nd petitioner as administrator to look after and manage all the affairs of NRIAS, including financial matters. The members (i.e., respondents in Arbitration proceedings) were restrained from meddling with the affairs of society including its management or operation of bank accounts of the society. The said order was communicated to the 2nd petitioner by the learned Arbitrator on 6.5.2022 at 9.45 AM. The 2nd petitioner took charge over the affairs of the NRIAS (1st petitioner). The 2nd petitioner immediately intimated taking over charge by e-mail sent to the learned Arbitrator which was acknowledged by him. The officials, namely, Dr. Raju N. Manthana, Dr. Sridhar Koneru and C.T. Chowdary have welcomed the 2nd petitioner. Thereafter, the 2nd petitioner met with the officials of the hospital, Medical college and accounts department and other sections and he apprised them about the plans to work in transparent manner for the best interest of NRIAS (1st petitioner). The 2nd petitioner vide letters dated 16.5.2022, enclosing order dated 14.5.2022 passed by the learned Arbitrator, informed to all the branches of banks where the 1st petitioner society is maintaining accounts that the 2nd petitioner has assumed the charge as Administrator of the society on 16.5.2022. The CEO of NRIAS-1st petitioner vide e mail dated 17.5.2022 intimated the taking over charge of the 2nd petitioner of NRIAS to all the members of the society including individual parties involved in arbitration proceedings. Some of the members who were parties to the dispute of Arbitration proceedings, have challenged the order dated 14.5.2022 passed by the learned sole Arbitrator, in Arbitration Appeal (COMM.) No.24 of 2022 & 25 of 2022 before the Hon'ble High Court of Delhi, and the High Court of Delhi vide order dated 19.5.2022 directed the parties

to maintain status quo and listed the matter for further hearing on 25.5.2022.

5. The grievance of the petitioners is that some of the individuals and employees are interfering in discharging the duties of the administrator i.e., 2nd petitioner, that his room was locked, car was not sent to pick him up from his residence and some individuals are threatening with his life. Therefore, the 2nd petitioner requested for police protection so as to enable smooth functioning of the society as well as smooth running of the hospital. But the 2nd respondent refused to receive his complaint stating that they cannot interfere in civil matters. It is further stated that in spite of producing the status quo order of the Delhi High Court, the 2nd respondent refused to provide police protection.

6. This Court observed that there is a dispute between the rival groups for control over the management of the society. A Division Bench of this Court appointed the Arbitrator with the consent of learned counsels for both the parties for resolving the disputes in between the parties. Further, it is observed in the order passed by the learned sole Arbitrator Justice Devinder Gupta that "till the matter is heard it will be necessary to issue some interim measures in respect of the affairs of the society in as much as there are serious allegations that the affairs of the society are not being run properly by the respondents, who presently are in control of the affairs of the society". There is no denial of the fact that the parties to the Arbitration Proceedings are the members of the society and there is a dispute among the members of the society in respect of the matters relating to the affairs of the society. The respondents are not agreeable to maintain *status quo* till the matter is heard. Accordingly there is no other option left except to appoint a person to look after and manage all the affairs of the NRIAS, Chinakakani, Guntur District including the management and financial matters. Accordingly, the 2nd petitioner is appointed with immediate effect to take over the charge as Administrator of the 1st petitioner society. Further, it is observed that this interim relief is only for limited purpose and it will not cause any prejudice to either of the parties and merits of the respective cases.

7. Accordingly by virtue of the appointment as administrator, the 2nd petitioner has assumed charge on 16.05.2022 of the 1st petitioner and the same was informed through e-mail to the learned sole Arbitrator. Thereafter, he sent authorization letters dated 16.05.2022 to the bankers with regard to the clearances for the financial issues of the society and the same are also filed. Thereafter, the 1st petitioner conducted a meeting of Administrator with Hospital/College Administration and non-teaching Sectional Heads of NRI Academy of Sciences on 16.05.2022. Thereafter, on 19.5.2022 the members (respondents in arbitration proceedings) have

challenged the order of the learned Sole Arbitrator before the High Court of Delhi and the Delhi High court vide order dated 19.5.2022 directed the parties to maintain *status quo* and listed the matter for further hearing on 25.5.2022. It shows that pursuant to the order of *status quo* issued by the Hon'ble High Court of Delhi, the members (respondents in arbitration proceedings) are obstructing the 2nd petitioner from discharging his duties as an Administrator and the *status quo* order dated 19.05.2022 passed by the Hon'ble High Court of Delhi would mean that the 2nd petitioner who assumed charge on 16.05.2022 of NRIAS would continue to discharge functions as an administrator of the society till further orders.

8. Having regard to the facts and circumstances of the case and upon perusing the entire material available on record, as the 2nd and 3rd respondents are different agencies, as per their rules, policy and regulations, they will act on the issues. Accordingly, liberty is given to the 2nd petitioner to submit a complaint before the 2nd respondent and thereupon the 2nd respondent is directed to receive and consider the same and give interim protection to the 2nd petitioner from individuals obstructing the 2nd petitioner from discharging functions, so as to ensure smooth administration of the 1st petitioner society.

9. Further, it is open to the 2nd petitioner to submit his complaint to the 3rd respondent's higher authority i.e., Director General of Police, CISF, Ministry of Home Affairs. On such submission of complaint by the 2nd petitioner, the DGP, CISF is directed to give protection in accordance with law.

10. The above directions shall be continued till 21.06.2022.

Post on 21.06.2022."

ASSISTANT REGISTRAR

//TRUE COPY//

L. Balu Rao
For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat, Amaravathi.
2. The Station House Officer, Mangalagiri Rural Police Station, Guntur District, Andhra Pradesh.
3. Central Industrial Security Force, Through Ministry of Home Affairs, Government of India, New Delhi.
4. The Director General of Police, Central Industrial Security Force, Government of India, New Delhi. (1 to 4 by RPAD- along with a copy of petition and Affidavit)
5. One CC to Smt. S. Pranathi, Advocate [OPUC]
6. One CC to Sri N. Harinath, Asst. Solicitor General [OPUC]
7. Two CCs to GP for Home, High Court of AP [OUT]

MSB

HIGH COURT

DR.KMR,J

DATED: 21.05.2022

ORDER

POST ON 21.06.2022

NOTICE BEFORE ADMISSION

WP(S.R) NO: 20530 of 2022

INTERIM DIRECTION

