

**GOVERNMENT OF TELANGANA
REVENUE (REGISTRATION.II) DEPARTMENT**

Memo No.8815/Regn.II/2023

Dated:21.08.2023

Sub: Registration and Stamps Department - Registration of Resident Welfare Associations of Apartments/ Buildings/ Plots under Telangana Societies Registration Act, 2001 only - Orders - Issued - Reg.

- Ref: (1) Telangana Societies Registration Act, 2001.
(2) Circular Memo of the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad No.Soc/7124/2018, Dt.28.01.2019.
(3) From the Confederation of Real Estate Developers' Association of India (CREDAI), Hyderabad, Representation dated 24.02.2023.
(4) From the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad, Lr.No.Soc/13650/2022, Dt.31.03.2023.
(5) U.O. No.2764/Coop.II(1)/2023, Dt.02.06.2023 of Agriculture & Cooperation (Coop.II) Department.
(6) From the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad, Lr.No.Soc/13650/2022, Dt.15.07.2023.

Whereas, the Section 3(1) of Telangana Societies Registration Act, 2001 (Act No.35 of 2001) provides for registration of Societies as following:

"Any seven or more persons forming a society which has for its object the promotion of art, fine art, charity, crafts, religion, sports (excluding games of chance), literature, culture, science, political education, philosophy or diffusion of any knowledge or any public purpose may be registered under this Act."

2. And whereas, in the reference 2nd cited, based on the Hon'ble High Court orders dated 05.03.2013 in W.P. No. 3319 of 2013, the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad has issued instructions to all the District Registrars in the State that whenever an application by Resident Welfare Association of Apartments or Buildings is presented for Registration under the Telangana Societies Registration Act, 2001, the District Registrar shall invariably verify the objects of the Association whether they are falling under Section 3(1) of the Act or not. If not, the application shall be refused to be registered under Telangana Societies Registration Act, 2001, with an advice to present the same before the competent authority as held by Honorable High Court, in the W.P. No.3319 of 2013.

3. And whereas, while taking into consideration of the orders of High Court in W.P. No. 3319 of 2013, the Hon'ble High Court in its order dated 29.01.2021 in W.P. No.14666 of 2020, observed that the Society in W.P. No.3319 of 2013 was registered without complying with requirements under Section 3 of Telangana Societies Registration Act, 2001. Hence, the registration was questionable. But, where the aims and objectives of a Resident Welfare Association of Apartments or Buildings are in compliance with Section 3 of the Act, like to increase a sense of brotherhood, co-operation, mutual harmony, love and affection amongst the members of the Association and amongst the general public and also to promote/ encourage social activities like entertainment, sports, educational programs etc., the judgment in W.P.No.3319 of 2013 is not applicable to the Societies, who are registered with the above aims and objectives.

4. And whereas, the District Registrar, Ranga Reddy District in Letter No. 6953/Soc/2021, dated 05.05.2022, declared that "....the registration of Green Grace Residents Society under the provisions of the Telangana Societies Registration Act, 2001 as void ab-initio since its formation itself does not fall under Section 3 (1) "any public purpose" keeping in view of the Hon'ble High Court orders dated 05.03.2013 in W.P. No.3319 of 2013.

5. And whereas, the Hon'ble High Court in its order dated 27.09.2022 in W.P. No.37370 of 2022, observed that a bare perusal of the judgment dated 05.03.2013 passed by High Court in W.P. No.3319 of 2013 reveals that the same was passed based on the bye-laws of respondent No.4 therein. The learned Judge having considered that in the bye-laws of the said Society no element of public service was there, has held that the Registration of the said Society under the Societies Registration Act, 2001, cannot be sustained and quashed the Registration Certificate. But, in this case, the Green Grace Residents Society squarely falls within the provisions of Section 3(1) of the Act. Therefore, the Hon'ble High Court suspended the impugned letter dated 05.05.2022 of the District Registrar.

6. And whereas, the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad in the reference 4th cited, reported that there is confusion in the management of Residential Societies with regard to application of relevant law and also that the Cooperative Law is not applicable to certain Apartment Societies where units are less than 21. In a way, the apartments where the number of flats is less than 21, the Societies could not be registered under Cooperative Law or under the Telangana Societies Registration Act, 2001 and requested to consider registration and subsequent actions of Apartment/ Villa/ Multi Unit House/ Plot Owners/ Resident Welfare/ any similar Society under the Telangana Societies Registration Act, 2001, if some of the objectives of the Society fall under the objectives mentioned in Section 3(1) of the Act, as per the judgments of Hon'ble High Court in W.P. No. 14666 of 2020 and W.P. No. 37370 of 2022.

7. And whereas, in the reference 5th cited, the issue was examined in consultation with the Agriculture & Cooperation (Coop) Department, who have informed that they have no objection for registration of Societies of Apartments/ Buildings/ Plots under the Telangana Societies Registration Act, 2001 and advised that in a given apartment/ gated community, layout, there should be only one Association/ Society to be allowed to be formed and function.

8. And whereas, the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad, in the reference 6th cited, has requested to issue necessary orders for allowing registration of Residential Associations under the Telangana Societies Registration Act, 2001 in light of Hon'ble High Court orders in W.P. No. 14666 of 2020, dated: 29.01.2021 and W.P. No.37370 of 2022, Dated: 27.09.2022, if one of the objectives of existing or future Societies are falling under the Section 3(1) of the Act, in order to address the present requests from various Associations/ Non-Governmental Organizations.

9. Now, therefore, Government, after careful examination of the matter in light of the Hon'ble High Court orders in W.P. No. 14666 of 2020, dated 29.01.2021 and W.P.No.37370 of 2022, dated 27.09.2022 and in supersession of the instructions issued by the Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad in the reference 2nd cited, hereby order for allowing Resident Welfare Associations of Apartments/ Buildings/ Plots for their registration under the Telangana Societies Registration Act, 2001, if one of the objectives of existing or future Societies are falling under the Section 3(1) of the Act.