

**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**COCN No. 848 of 2015
Date of decision: 24.04.2015**

Sanjeev Dahiya

.....Petitioner

versus

Rajiv Rattan and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Anil Rathee, Advocate
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana
for respondents No. 1 and 2.

Mr. Rajbir Sehrawat, Advocate
for respondent No. 3.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for invoking the provisions of Sections 10 and 12 of the Contempt of Courts Act, 1971 for willful disobedience of order dated 12.05.2014(Annexure P-1) passed in CWP No. 23607 of 2013.

The facts narrated in the Court are that there were three petitions bearing CWP Nos. 11877 of 2012, 11889 of 2012 and 23607 of 2013. In petition bearing CWP No. 11877 of 2012, the Tika Ram Education Society (Regd.) had challenged the order dated 18.05.2012 passed by the Director Secondary Education Haryana, whereby Sub Divisional Officer (Civil) Sonapat was appointed as an Administrator of Tika Ram Girls Sr. Secondary School, Sonapat for a period of one year. During the pendency of the writ petition, the operation of the said order was stayed on 7.6.2012 and when the case was disposed of on 12.05.2014, it was realised that the period

of appointment of the Administrator for one year had expired due to efflux of time. However, the writ petition was disposed of with the observation that the election process shall be now be conducted and monitored by the Deputy Commissioner, Sonapat for the smooth functioning of the school. Deputy Commissioner was directed to initiate the proceedings of fresh elections within 15 days.

The second petition bearing CWP No. 23067 of 2013 was also filed by the Tika Ram Education Society(Regd.), challenging the Order dated 15.10.2013 by which the Govt. of Haryana had appointed an Administrator for a period of two years, for managing the affairs of the Society. Since the term of the society had expired during the pendency of the petition, Counsel for the petitioner had informed the Court that he had filed a statutory appeal before the Registrar General of Societies, Haryana, against the order dated 20.06.2013 passed by the District Registrar, Firms & Societies, Sonapat, whereby the membership of 440 life members was cancelled, which is pending final decision. The writ petition was, thus, disposed of with a direction to the State Registrar of Societies, Haryana (respondent No. 2 arrayed in the petition) to pass a final order on the appeal filed by the society within a period of 15 days and thereafter, proceed to hold the fresh elections.

The third petition bearing CWP No. 11889 of 2012 was disposed of in view of the order passed in CWP No. 11887 of 2012 which was pertaining to the appointment of the Administrator for the boys school. A proposed order dated 12.05.2014 by respondent No. 2/State Registrar Societies passed on 7.08.2014, allowing the appeal of the society and setting

aside the order dated 20.06.2013 by which life member ship of 440 members was cancelled. Thereafter, a contempt petition bearing COCP No. 3601 of 2014 was filed by one Parveen Kumar, which was disposed of by this Court on 12.03.2015 on the ground that the scheme of collegium was approved as recommended by the District Registrar in accordance with Rules 18 of the Societies Rule, 2012.

Now the present petition has been filed by one of the members of the society. It is submitted that he would be satisfied if in the elections, which are now scheduled to be held, the member ship of 440 members be not considered because the issue with regard to the validity of the membership of 440 life members is still sub-judice in the statutory appeal filed by him which is fixed for 20.05.2015.

Counsel for the respondent, however, has submitted that nothing has been concealed in the earlier writ petitions or in the present contempt petition and if the petitioner is aggrieved against the holding of election, he may have his other remedy except for the present contempt petition.

At this stage, counsel for the petitioner has submitted that on the one hand his statutory appeal not being decided for one reason or the other and on the other hand the election process has started. Learned counsel for the petitioner has further submitted that he may be allowed to withdraw the petition in order to take up his remedy in accordance with law, much less by way of a writ petition to seek a direction to the appellate authority to decide his appeal.

In view thereof, I do not find any reason to continue with this

contempt petition and hence the same is hereby closed. However, petitioner may, if so advised take up his remedy available to him in accordance with law.

24th April, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
Judge