

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

126

Civil Writ Petition No.12328 of 2015

Date of Decision: July 09, 2015

Sanjeev Dahiya

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Rajbir Sehrawat, Advocate
for the caveator.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has challenged in this writ petition the orders dated 08.05.2015 (Annexure P-12) passed by the Registrar General of Societies, Haryana-respondent No.2 and the order dated 07.08.2014 (Annexure P-7) passed by the State Registrar Societies, Haryana-respondent No.3 and for quashing of the election held on 24.05.2015 on the basis of the voter list prepared in terms of order dated 07.08.2014 (Annexure P-7) passed by respondent No.3, which includes the names of 390 ineligible voters.

The basic contention, which has been raised by the counsel for the petitioner, is that while granting life membership to total 440 persons, out of which 50 have not been given the voting right, no applications were submitted by them and rather they had submitted donation, which cannot be treated as request for membership and membership fee. His further contention is that no meeting either of the General Body or the Governing Body was held, which included the names of these 440 persons as life members of the society i.e. Tika Ram Education Society (Regd.), Sonapat-

respondent No.6.

This contention of the counsel for the petitioner cannot be accepted in the light of the provisions as contained under clause 6 (a) of the Constitution of the Society (Annexure P-8), which reads as follows:-

“6. Membership:

The Society shall consist of the Life, Honorary and Ex-Office members.

a. *LIFE MEMBERS: Every person of either sex not below the age of 21 years, on making a donation of Rs.1100/- in lump sum, can become the Life member of the Society with the consent of the Governing Body.*

b. XXX XXX XXX XXX

c. XXX XXX XXX XXX”.

As per the above provisions, there is no requirement for an application to be submitted for becoming a life member of the Society and the only requirement is that a donation of ₹1,100/- in lump sum has to be made. It further states that life membership of the Society will be made on the consent of the Governing Body, therefore, the requirement of approval of membership as a life member of the Society in the General Body Meeting is not required.

So far as the assertion of the counsel for the petitioner that no Governing Body Meeting was held where the life membership of these 440 persons was accepted or consent granted, the same is a matter of fact and cannot be gone into in the writ petition because of the limited scope while exercising the powers under Article 226 of Constitution of India. In any case, the State Registrar of Societies, Haryana, as also the Registrar General of Societies, Haryana, in their impugned orders have in detail gone into this aspect and returned a finding that there was indeed a meeting of the Governing Body held, which had approved the list of life members, which

included these 440 members, whose inclusion have been challenged by the petitioner.

Another point, which has been raised by the counsel for the petitioner, is that the Administrator has included 94 members as life members, out of these 440 members, who did not have any jurisdiction to do the same.

Perusal of the impugned orders indicate that these pleas were never taken by the petitioner before the said authority and, therefore, it would not be open to the petitioner to now raise these pleas in the writ petition, however, the Administrator although has not been specifically conferred with the said powers but since he is the Administrator of the Societies, he exercises all the powers of the Governing Body of the said Society and the consent for making life membership being with the Governing Body of the Society, the membership so granted by the Administrator cannot be said to be not in accordance with the Constitution of the Society. It would not be out of way to mention here that this inclusion of 94 members by the Administrator has been approved subsequently by the Governing Body of the Society, which regularizes, if any, irregularity was committed by the Administrator.

There being no illegality in the impugned orders dated 08.05.2015 (Annexure P-12) and 07.08.2014 (Annexure P-7) passed by respondents 2 and 3 respectively, the present writ petition stands dismissed being devoid of merit.

July 09, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE