

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

DATE OF DECISION: AUGUST 04, 2015

Surender Singh

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Pardeep Singh Poonia, Advocate,
for the petitioner.

Ms. Vibha Dhiman, AAG, Haryana,
for the State.

Mr. Karan Bhardwaj, Advocate,
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging order dated 16.07.2015 (Annexure P-6) passed by the Principal Secretary to Government of Haryana, Industries and Commerce Department, exercising the powers of the State as provided under Section 61 of the Haryana Registration and Regulation of Societies Act, 2012.

It is the contention of counsel for the petitioner that the primary grouse of the petitioner, at this stage, is the observations made in Paras 5 and 6 of the impugned order dated 16.07.2015 (Annexure P-6), with regard

to the functioning of the governing body of the petitioner. He states that the

said observations have been made without complying with the principles of natural justice as even response was not awaited within the time as granted in the show cause notice and the impugned order has been passed, which, as per the counsel, cannot sustain.

This contention of counsel for the petitioner appears to be correct as the requirement of the statute, especially Rule 68(1), according to which after giving a show cause notice, the supersession of governing body as also appointment of an Administrator can be ordered. Admittedly, a show cause notice was served upon the petitioner and the time within which he was required to respond has not expired. The respondents were at liberty to give a shorter time to file response but having chosen to give a specified time to file response thereto, they were required to have waited for the response. The reason assigned for rushing to pass the order dated 16.07.2015, as has been mentioned in Para 7 of the impugned order, thus cannot sustain.

However, keeping in view the fact that the petitioner-Society has till date not initiated the process of holding the elections and as per the respondents the term is expiring today, the appointment of Administrator vide impugned order dated 16.07.2015 (Annexure P-6) is upheld. The petitioner may file reply to the show cause notice on or before 11.08.2015. On receipt of the response to the show cause notice, Principal Secretary to Government of Haryana, Department of Industries and Commerce, Chandigarh-respondent No.1 shall proceed to take a decision thereon by passing a speaking order within a period of two weeks thereafter. Decision so taken be conveyed to the petitioner forthwith. Further, since the Administrator has taken over, the elections be held within a period of four

months from today.

The writ petition stands disposed of accordingly.

August 04, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE