

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

CWP No. 6371 of 2016
Date of decision: 03.05.2016

Vinay Kumar Arya

....Petitioner

Versus

The State of Haryana & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. A.K. Goel, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. M.K. Mittal, Advocate,
for respondent No.3.

Paramjeet Singh Dhaliwal, J. (Oral)

Reply on behalf of respondent No. 3 filed in Court today
is taken on record.

The instant writ petition has been filed under Articles
226/227 of the Constitution of India for issuance of a writ in the
nature of certiorari for quashing/setting aside the impugned notice
(Annexure P-6) issued by respondent No. 3 & 4 for midterm elections
of the Governing Body of Vaish Education Society, Rohtak on the
ground that out of 105 members of the collegium, number of
members are not eligible to cast vote.

I have heard learned counsel for the parties and perused
the paper-book.

The issue is admittedly covered under Section 39 (4) of

Haryana Registration and Regulation of Societies Act, 2012 (for short 'the Act') which reads as under:

“Any person or group of persons, if aggrieved with list of member published under sub-Section (3) above on account of non-inclusion or wrongful inclusion of any member, may file a petition with District Registrar stating the specific grounds of challenge within a period of fifteen days of publication of the list of members. The District Registrar may, where the number of members is very large and for reasons to be recorded, accept the petition within an extended period of seven days.”

Perusal of Section 39 (4) reveals that if a person is aggrieved against the list of members, he can approach the District Registrar for relief. Other aggrieved member will also be given opportunity to represent his case. If any, order has already been passed by the Registrar in this regard then appropriate order can be passed by the concerned authority that the matter has already been adjudicated.

In view of above, the present petition is dismissed with liberty to the petitioner to approach the District Registrar.

03.05.2016
PA

(Paramjeet Singh Dhaliwal)
Judge