

*In the High Court of Punjab & Haryana at Chandigarh.*

CWP-18468 of 2014 (O&M)

Date of decision: 09.05.2017

Indian Ex Servicemen Movement

..... Petitioner.

V/S

State Registrar of Societies and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**Present:** Mr. A.D.S.Jattana, Advocate, for the petitioner.

Mr. R.K.Singla, AAG, Haryana, for respondents No. 1 and 2.

Mr. Vaneet Soni, Advocate for respondent No.3.

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**M.M.S. BEDI.J.(ORAL)**

Indian Ex-servicemen Movement, a registered body under the Societies Act 1860, constituted with an objective of the welfare of the entire Indian ex-servicemen community, has filed the present writ petition challenging the order dated 31.07.2014 (Annexure P10), passed by the State Registrar of Societies, Haryana whereby the appeal filed by the petitioner-Society against the order dated 29.08.2013 (Annexure P4) passed by respondent No.2- the District Registrar of Societies, Gurgaon, claiming that the same has been passed illegally on the application of respondent No.3 who had challenged termination of his primary membership from the petitioner-Society, was disposed of upholding the order dated 29.08.2013, except composition of Ad hoc committee of the Society.

After arguing for a short duration, on the suggestion of the Court, the petitioner-Society and respondent No.3 have arrived at a consensus that the election of the petitioner-Society can be held under the provision of Section 39 (10) of the Haryana Registration and Regulations of Societies Act, 2012 (for short 'the Act') by constituting an Ad hoc

committee or by appointing the Returning Officer as the due date for election of Governing Body has expired. The parties have arrived at a settlement that an Ad hoc committee shall be formed which shall be responsible for holding the election. But in view of the fraction having developed among the members, an order can be passed that none of the existing members of the Governing Body of the years 2012 or 2014 shall form part of the Ad hoc committee.

It has been urged that the District Registrar of Societies, Gurgaon, Haryana, may be directed to seek objections regarding the names which should be included in the Ad hoc committee.

I have considered the proposal and the consensus, arrived at between the petitioner-Society and respondent No.3. Since the existing members of the Governing Body are not individually parties before this Court, no order can be passed regarding the fact whether they may be a part of the Ad hoc committee or not.

This Court is of the considered view that the ends of justice would adequately be met in case a direction is issued that the petitioner-Society shall approach the District Registrar of Societies as per provisions of Section 39 (11) of the Act for appointment of Returning Officer/or observer for conducting election of Governing Body, as the case may be, whereupon the District Registrar of Societies Gurgaon, shall pass an order of appointment of Returning Officers within seven working days on receipt of such request from the Governing Body or Ad hoc committee.

This petition is disposed of with a direction that the petitioner-Society through its Governing Body of the year 2012 shall approach the District Registrar of Societies, as per the provisions of Section 39(11) of the

Act within a period of 15 days. The District Registrar of Societies Gurgoan, shall proceed in the matter under Section 39 (11) of the Act for holding the election process as per the provisions relevant for election under the Act and Rules/Regulations framed thereunder.

The Governing Body of year 2012 would be entitled to operate bank account for the purpose of achieving fair election.

Since, petitioner-Society consists of respectables and decorated officers/members, they would facilitate fair election to enable the petitioner-Society to achieve its aim and objects.

**09.05.2017**  
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**(M.M.S. BEDI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |