

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

CWP No.20084 of 2015 (O&M)  
Date of decision : 24.03.2017

Pandit Harbhagat Joshi Jan Seva Society

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

Present: Mrs. Baljit Mann, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

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**AMIT RAWAL, J. (Oral)**

The petitioner-Society has knocked the door of this Court seeking writ in the nature of mandamus for appropriate direction to respondent No.4-District Registrar, Firms and Societies, Narnaul for issuance of the bye laws and memorandum of association of the Society and others documents of registration as vide Registration Certificate dated 13.06.2013 (Annexure P-2) registered under the Haryana Registration and Regulation of Societies Act, 2012 has been withheld on account of the pendency of the FIR allegedly been registered by one Chander Prakash one of the son of the petitioner.

Mrs. Baljit Mann, learned counsel appearing on behalf of petitioner submits that earlier the petitioner-Society was registered under the Old Act which fact is evident from certificate dated 29.11.2005 (Annexure

P-1). The petitioner being father and along with one son is running a school registered under the Societies Act but owing to certain disgruntlement of one of the son regarding alleged complaint and registration of the FIR dated 07.09.2012 (Annexure P-5) and complaint dated 03.05.2013 (Annexure P-6), an enquiry was conducted by the District Registrar, which fact is evident from letter dated 15.05.2013 (Annexure P-8) and after holding the enquiry, issued certificate dated 13.06.2013 (Annexure P-2) for the reasons best known did not issue the desired documents. Rather on its own communicated with the concerned Police Department. However, in the written statement filed in this Court, it has been reflected that challan had been presented and the entire file has been sent. She submits that while applying for registration under 2012 Act, two sets of the aforementioned documents were submitted and cannot be believed that the both sets must be given.

On the contrary, Mr. Rajbir Singh, AAG, Haryana submits that owing to the non-availability of the file, the direction sought to be implemented cannot be done, in essence, has expressed handicappness.

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

Request of the petitioner is reflected from the representation way back after 2012 but no adherence had been paid by the respondent No.4. Even representation dated 16.06.2013 (Annexure P-10) and reminder dated 18.11.2014 (Annexdure P-12) did not yield any result. Filing of the challan would pale into insignificance and allegations with regard to the alleged forgery of regulation which has nothing to do with the issuance of

the documents i.e. the bye laws and memorandum of association, much less, other desired documents. If at all, procurement can be sorted out by taking one set of the copy of the documents submitted by the petitioners while seeking registration under 2010 Act, same can be issued. However, if at all, the prosecution is able to prove the allegation, natural consequences/necessary corollary would follow.

Let this exercise be done by respondent No.4 within a period of two months from the date of receipt of certified copy of the order.

Writ petition stands disposed of in aforementioned terms.

**24.03.2017**

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**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**