

CWP No.20317 of 2017

[1]

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

**CWP No.20317 of 2017
Date of decision:08.09.2017**

R.P.S.Bedi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Himanshu Rao, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners are the members of the Sushant Estate, Sushant Lok-1, Sector-52, Gurugram, developed by the Ansal Properties and Infrastructure Limited. The members of the Sushant Estate formed a resident welfare association, namely, Sushant Estate Resident Welfare Association (SERWA) in the year 2004 and got it registered under the Societies Registration Act, 1860. After enactment of the Haryana Registration and Regulation of Societies Act, 2012, the members of the Sushant Estate formed another resident welfare association, namely, Ansal Sushant Estate Condominium Association (ASECA) and the earlier body was merged in it after surrendering its registration.

The allegation of the petitioner is that respondent no.4, namely, Ansal Sushant Estate Group of Housing Sector 52 Condominium formed an ad-hoc parallel resident welfare association, namely, Ansal Sushant Estate

Group Housing Condominium (ASEGHC) and nominated themselves to the Board of Members on their own and took over the charge of the administration and management of the Sushant Estate. It is alleged that the ASEGHC is not a registered body and is now holding the election for the post of the office bearers on 24.09.2017. The prayer has, thus, been made that the official respondents arrayed in this petition be directed not to allow respondent no.4 to conduct the elections.

Counsel for the petitioners is basically relying upon an undated communication from the District Registrar, Cooperative Societies, Gurugram, in which he has observed that the activities of ASEGHC should be stopped as it is not registered with his office as per record. However, he could not cite any law that a parallel un-registered body cannot be formed.

The petitioners have also not attached all the documents with the petition for the perusal of this Court as they have averred in para no.13 of the petition about pendency of the Civil Suit for declaration and mandatory injunction in the Court of Civil Court, Gurugram at the instance of respondent no.4.

Thus, in my considered opinion, the petitioners are seeking injunction in the garb of a writ of mandamus, which cannot be granted.

Consequently, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 08, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No