

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

CWP No.25855 of 2017

Date of Decision: 22.11.2017

Parkash Lal Narang

....Petitioner

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gunjan Mehta, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed for quashing of notice dated 30.09.2017 (Annexure P-11) issued by the Administrator for conducting elections of the respondent Samiti and also for issuance of directions to the Administrator to hold the elections after suitably amending the Memorandum of Association dated 21.07.2015 and also to prepare a fresh list of the members after deleting the names of certain dead persons and correcting the members list alphabetically as per provisions of the Haryana Registration and Regulation of Societies Act, 2012 (here-in-after referred to as 'the Act, 2012').

Learned counsel for the petitioner submits that the list of the members has not been finalized as per provisions of Sections 21(5) and 39 (4) of the Act, 2012. Only five days' period was given for inviting the objections before holding the elections of the Samiti. Petitioner could not

file objections because of the short period. Without taking decision on the objections raised by many persons and without preparing the final list of the members, the election schedule has been finalized. Learned counsel also submits that certain dead persons are also part of said list and election is being conducted on the basis of that list only.

Notice of motion.

Notice on behalf of respondent No.7 has been accepted by Mr. Rajesh K. Sheoran, Advocate and Mr. Sunil Nehra, Advocate. Learned counsel say that the Administrator has no power to add or delete any name from the list.

Heard.

On perusal of certain documents available on the file, it appears that some dead persons are also part of the list and because of paucity of time, some of the persons could not file objections like the present petitioner.

By considering the submissions made by learned counsel for the petitioner as well as learned counsel for respondent No.7 and on perusal of relevant provisions, the present petition is disposed of with a direction to respondent No.5 to grant at least 15 days' time to all concerned persons to file representation/objections.

In case, the petitioner and other concerned whosoever are interested in filing objections, they may file the same before respondent No.5 and the final voter list be prepared after taking into consideration the objections filed under the provisions of the Act applicable to the controversy, in hand. In case, the objections are to be rejected, a speaking order be passed. It is also directed that in case, the personal appearance of

the concerned is required, they may be given opportunity to be heard.

In case, there is any difficulty in exercising the powers, respondent No.5 is directed to adopt any method within the purview of his power. It is also directed that the objections be filed within a period of 15 days and the decision thereon be taken within a period of 15 days thereafter.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

22.11.2017
gurpreet

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