

**CWP No.16937 of 2018 (O&M)**  
**Date of Decision:08.10.2018.**

## Versus

Registrar General of Societies and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

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**RAKESH KUMAR JAIN, J. (ORAL)**

The petitioner has challenged the order dated 01.06.2018 passed by respondent No.1-Registrar General of Societies, Haryana by which he has directed the State Registrar of Societies, Haryana to take cognizance of letter of the District Registrar dated 02.01.2018 and decide the case within a period of three months after hearing all the concerned parties.

In short, the petitioner-society is registered, in terms of the provisions of the Haryana Registration and Regulation of Societies Act, 2012 (for short “the Act”). The election of the governing body was notified on 05.11.2016 and were held on 11.12.2016. As many as 13 candidates contested the election out of whom 10 members were elected. The respondent No.4 had allegedly filed a complaint about the validity of the

election to the District Registrar of Firms and Societies, Gurugram on 15.12.2016 and also made a similar complaint on 21.4.2017. The District Registrar did not sent the complaint of respondent No.4 to the State Registrar for adjudication rather he passed an order on 02.01.2017 for approving the election of newly elected governing body of the petitioner-society. The respondent No.4 filed an appeal under Section 79 of the Act before the Registrar General which was allowed and a direction was issued to the District Registrar, Gurugram to hear the complaint of respondent No.4 and decide the same within three weeks. The District Registrar, after receipt of the copy of the order of Registrar General, showed his helplessness and alleged that he had already approved the newly elected governing body on 02.01.2017 and advised respondent No.4 to file an election petition under Section 40 of the Act before the State Registrar of Societies, Haryana. Respondent No.4 then filed a review application before the District Registrar which was dismissed on 21.12.2017 with an advise to file an election petition. Respondent No.4 then filed the election petition before the State Registrar which was dismissed by the State Registrar vide his order dated 27.02.2018 on the ground that it is barred by limitation. Respondent No.4 then challenged the said order of the State Registrar by way of an appeal before the Registrar General which has been allowed by the impugned order dated 1.6.2018 and the matter has been remanded back to the State Registrar to look into the letter of District Registrar and decide the matter within a period of three months.

Learned counsel for the petitioner has vehemently argued that once respondent No.4 has filed the election petition on 03.01.2018 then the

Registrar General had no jurisdiction to direct the State Registrar to look into the complaint/letter of respondent No.4.

On the other hand, learned counsel for respondent No.4 has submitted that as per Section 40 of the Act, it was the bounden duty of the District Registrar to refer the complaint of respondent No.4 within a period of 30 days to the Registrar for the purpose of adjudication, who was further supposed to decide the same within a period of 90 days but not later than 120 days of the receipt of the reference from the District Registrar. It is submitted that the said procedure has not been adopted by the District Registrar when the complaint was made within 4 days after the result of the election was declared on 11.12.2016 rather District Registrar illegally approved the election of newly elected governing body on 02.01.2017 which compelled respondent No.4 to file the election petition on 03.01.2018 otherwise, had the matter been referred by the District Registrar in terms of Section 40 of the Act to the State Registrar, respondent No.4 would not have filed the election petition on 03.01.2018. It is thus submitted that the District Registrar did not discharge his statutorily functions for which he has obligated in terms of Section 40 of the Act.

I have heard learned counsel for the parties and examined the record. Since the facts are not in dispute, therefore, I would not repeat the same for the sake of brevity but suffice to say that after the election was held on 11.12.2016, respondent No.4 made the complaint on 16.12.2016 i.e. 4 days thereafter to the District Registrar raising the doubt about the election process and also on the safer side made the complaint on 19.12.2016 before the State Registrar. None of them looked into his

complaint till the District Registrar approved the newly governing body on 02.01.2017. At last, the respondent No.4 filed the election petition on 03.01.2018 which was rejected by the State Registrar on the ground of limitation. Had the District Registrar reacted to the complaint made by respondent No.4 in time and made reference to the State Registrar and had the State Registrar even taken *suo moto* action on the complaint made by respondent No. 4 dated 19.12.2016, the matter would not have reached this Court in this manner. It was all because of the mistake on the part of the statutory authorities much less the District Registrar and State Registrar, who did not have performed their duties in time in its letter and spirit because of which respondent No.4 had to rush from the pillar to post and was ultimately successful in obtaining an order from the Registrar General, who has directed the State Registrar to look into the letter of the District Registrar dated 2.1.2018 once again for the purpose of finding issue as to whether there is some truth in the complaint of respondent No.4 about the validity of the election held on 11.12.2016.

In view of the aforesaid facts and circumstances, there is hardly any force in this petition for the purpose of interference.

Dismissed.

At this stage, counsel for respondent No.4 has suffered a statement that he would now withdraw election petition because the complaint is being looked into by the State Registrar.

**October 08, 2018**

*Jyoti-IV*

**(RAKESH KUMAR JAIN)  
JUDGE**

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