

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

**CWP No. 23596 of 2015
Date of Decision: 7.3.2018**

The Shree Sanatam Dharam Sabha (Regd.)

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Amit Jhanji, Advocate, for the petitioner

Mr. Saurabh Mohunta, DAG, Haryana

RAKESH KUMAR JAIN, J. (Oral)

The petitioner society has been re-registered in terms of the Haryana Registration and Regulation of Societies Act, 2012 (for short 'the Act'). It received a letter from the District Registrar, Firm and Societies, Panchkula, on 15.7.2015 intimating them that the last election of the Governing Body of the petitioner society was conducted in the month of June 2012 and as per the rules, the tenure of the Sabha has been fixed for three years, therefore, they were to hold fresh election of the Governing Body before June 2015. The said letter was replied on 28.7.2015 alleging that the Society has been re-registered on 19.8.2013 and the tenure of the Governing Body has been fixed for three years, therefore, it would continue upto 18.8.2016. On 8.9.2015, the District Registrar sent a letter to the petitioner society to explain its conduct for not starting the election process till date. It was also informed that otherwise ad hoc body/administrator would be appointed without giving any notice. It is alleged that letter dated 8.9.2015 was received on 8.10.2015

but in the meantime, on 15.9.2015, the petitioner informed the District Registrar that it is intending to hold elections and for that purpose it submitted the names of Returning Officers.

Be that as it may, the District Registrar passed the order on 22.10.2015, appointing Mr. V.P. Chauhan, (HCS Retired) (respondent No.3) as the Administrator with immediate effect for conducting the elections of the Sabha and to look after the day to day arrangements for six months or till the formation of a new elected body.

The said appointment was challenged by the petitioner in this petition in which notice along with notice regarding stay was issued. It is submitted that the Administrator had issued a notice Annexure P-13, informing the Office Bearers of the petitioner society, about the pendency of the writ petition but he did not decide to discuss the issue regarding election.

With the passage of time, the tenure of the Administrator has expired as, at the first instance, it could not be more than one year in terms of Section 56 (5) of the Act which may extend to another three years.

Learned State counsel has submitted that as per information received by him from respondent No. 3, he has shown his disinclination to act as the Administrator of the Society. He has, thus, submitted that the cause of action arisen in this petition has died its own death with the efflux of time.

At this stage, Mr. Amit Jhanji, Advocate appearing for the petitioner has made another prayer for issuance of a direction to the respondents to permit the petitioner to hold the election of the Society within six months.

Keeping in view the aforesaid facts and circumstances, the present

petition is, thus, hereby disposed of with a direction to respondent No.2 to allow the petitioner to conduct the election of the Governing Body within a period of six months from the date of passing of this order.

It is needless to mention here that the petitioner and respondent No.2 shall follow the provisions of law and rules in regard to the holding of elections.

(RAKESH KUMAR JAIN)
JUDGE

7.3.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No