

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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*CWP No.19082 of 2018*  
*Date of Decision:03.08.2018*

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Jaipal

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

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

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Present: - Mr.Rahul Deswal, Advocate,  
for the petitioner.

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***RAKESH KUMAR JAIN, J.***

The petitioner has challenged the notice dated 12.7.2018, issued by the returning officer, qua the election of the governing body of Shri Sain Bhagat Mandir Sabha, which is scheduled to be held on 5.8.2018.

In brief, Shri Sain Bhagat Mandir Sabha was registered as a society vide Registration No.247 dated 29.7.1981 and has been re-registered under the Haryana Registration and Regulation of Societies Act, 2012 [for short 'the Act'] on 18.3.2014. The dispute is about the election of the governing body of the society and the grievance of the petitioner, being the member of the society, is about the illegal enrolment of the members/voter list. The election of the society was ordered by the District Registrar who had appointed the returning officer on 1.5.2017. The returning officer issued a notice on 15.5.2017 declaring the schedule of the election of the governing body of the society. When the election was to be held on 02.7.2017, one of the members of the society, namely, Pardeep Kaile filed CWP No.13981 of 2017 in which notice was issued on 27.6.2017 and only declaration of the

election, therefore, the returning officer issued notice on 12.7.2018 for holding the election on 5.8.2018. It is stated in the notice that the election would be held on the nominations already received on 26.6.2017 from the members and the symbols already allotted on 27.6.2017. The date, time and venue of the election were also given in the notice and it was specifically mentioned therein that result of the election would not be declared in view of the order passed on 27.6.2017 in CWP No.13981 of 2017.

Although, notice was issued by the returning officer on 12.7.2018 but the writ petition is now filed and listed on 3.8.2018 whereas the election is on 5.8.2018.

Learned counsel for the petitioner has submitted that the election process be stayed till the electoral roll is rectified.

I have heard learned counsel for the petitioner and after perusal of record, am of the considered opinion that there is no merit in the present petition especially at this stage when the election of the governing body is to take place on 5.8.2018. Moreover, CWP No.13981 of 2017 is pending in this Court in which this Court has directed that the result of the election be not declared meaning thereby the election process cannot be held up. It is also pertinent to mention that the petitioner, if still aggrieved, shall avail the remedy of challenging the election itself in terms of the provision of the Act but insofar as the present petition is concerned, at this stage, to challenge the notice of fixing the date of election/ process of election, is a misuse of the process of law and hence the writ petition is hereby dismissed.

03.08.2018

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

*Whether speaking /reasoned* : Yes/No

*Whether Reportable* : Yes/No