

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

**C.W.P No. 2278 of 2017 (O&M)
Date of Decision:- 13.03.2018**

Gheesa Panth Ravi Dass Mandir Sabha
(Dera Baba Gopal Dass) through its PresidentPetitioner

Versus

State of Haryana & Ors. ...Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. S.S. Nara, Advocate, for the petitioner.

Mr. Saurabh Mohunta, D. A.G. Haryana.

Mr. Mayur Kanwar, Advocate, for respondent No.5.

RAKESH KUMAR JAIN, J. (Oral)

Present petition is directed against the order dated 03.11.2015 (Annexure P-5) passed by Director General of Industries & Commerce – cum – Registrar General of Societies, Haryana by which he has set aside the order dated 30.01.2014 passed by District Registrar, Firms and Societies, Yamuna Nagar.

Learned counsel for the petitioner has submitted that the District Registrar of Firm and Societies, Yamuna Nagar, vide his order dated 30.01.2014, (Annexure P-2) cancelled the registration of respondent No.4 granted under the provisions of the Haryana Registration and Regulation of Societies Act – 2012 (for short, 'the Act'). Thereafter, respondent No.5 filed a review application against the order dated

30.01.2014 before the District Registrar of Firm and Societies, Yamunanagar. The said review application was allowed by the District Registrar vide his order dated 19.02.2014 (Annexure P-3). The petitioner challenged the order of review by way of filing an appeal before the State Registrar of Societies, Haryana. In the said appeal, the observation was made by the State Registrar of Societies, Haryana that District Registrar was wrong in passing the review order dated 19.02.2014, but maintained the said order dated 19.02.2014 on the ground that “it appears that District Registrar overlooked the provision of the Act, inadvertently. However, he will not repeat such lapse in future.

Aggrieved against the said order dated 11.08.2014 passed by the State Registrar Societies, the petitioner preferred an appeal under Section 79(5) of the Act before the Registrar General. Registrar General observed that the State Registrar should have set aside the order of the District Registrar passed on 19.02.2014 and, thus, while allowing the appeal set aside the order passed by the District Registrar on 30.01.2014 as well.

Learned counsel for the petitioner has submitted that the order dated 30.01.2014 could have been challenged only before the State Registrar of Societies by respondent No.5 if it was not satisfied with the order dated 30.01.2014.

On the other hand learned counsel for the respondents have submitted that there is no error in the order of Registrar General of Societies and has prayed that the present writ petition may be dismissed.

I have heard learned counsel for the parties and after taking into consideration, am of the considered opinion that the impugned order dated

30.01.2014 deserves to be set aside because the District Registrar had passed the order against respondent No.5 on 30.01.2014. The said order was amenable to appeal in terms of Section 79 of the Act. Respondent No.5 instead of filing the appeal, filed a review application of the order of District Registrar. The District Registrar reviewed his order dated 19.02.2014. The petitioner challenged that order before the State Registrar on the ground that District Registrar had no jurisdiction to review his own order without taking permission from the higher authorities. The State Registrar of Societies has though observed that the District Registrar had committed a mistake in passing the order dated 19.02.2014 but tried to cover up the mistake on his part on the ground of inadvertence and observed that he will not repeat such lapse in future. The petitioner then challenged the order of the State Registrar dated 11.02.2014 by way of an appeal before the Registrar General of Societies. The Registrar General agreed with the contention of the petitioner and set aside the impugned order i.e the order of State Registrar by which he had upheld the order of the District Registrar i.e. the order passed by him on the review application, but at the same time he set aside the first order of District Registrar as well passed on 30.01.2014 whereas the order dated 30.01.2014, after setting aside the order of review dated 19.02.2014, has revived. In case the said order is revived, the only way to get that order set aside is by way of an appeal before the State Registrar which could have been filed at the instance of respondent No.5 and could not have been set aside by the Registrar General of Societies because in that event the petitioner would loose his right of appeal against the order of District Registrar in case the order is passed against him.

Thus in view of the afore-said facts and circumstances, the writ petition is hereby allowed and the impugned order dated 03.11.2015 is set aside. The order dated 30.01.2014 survives. In case respondent No.5 is not satisfied with the order dated 30.01.2014, it may avail its remedy in accordance with law for setting aside the said order.

March 13, 2018
tripti

(RAKESH KUMAR JAIN)
JUDGE

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