

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22270 of 2018

Date of decision: September 04, 2018

Raj Pal Saini and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Surender Pal, Advocate for the petitioners.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a writ in the nature of certiorari for quashing the order dated 5.1.2016 (Annexure P-7) passed by the State Registrar of Societies, Haryana, dated 1.12.2017 passed by the Registrar General, Firms and Societies, Haryana and for restoring the order dated 8.9.2015 passed by the District Registrar, Jind.

Shorn of unnecessary details, the District Registrar, Jind passed an order on 8.9.2015 by which the Governing body/General Body approved by him on 11.10.2013 was cancelled and the new Governing body constituted subsequently on 4.2.2015. The said order was challenged in appeal under Section 79 of the Haryana Registration and Regulation of Societies Act, 2012 (for short 'the Act') by one of the members who was allegedly the Vice President of the said Society. The State Registrar of Societies, Haryana allowed the appeal, inter alia, on the ground that District Registrar has no jurisdiction to cancel the Governing body approved by him as power is vested with the Appellate Authority to pass an appropriate order in this regard. The petitioner, aggrieved against the order of the State Registrar, filed the appeal before the

Registrar General of the Societies, Haryana, Chandigarh which was also dismissed on 1.12.2017 on the following ground:

“I have heard the parties and gone through the relevant record. A bare perusal of the order passed by the DR shows that it is absolutely non speaking and does not give any details of the case or reasons for passing the order except that the list of members of said Governing Body/General Body which was approved by him in October 2013, does not conform to the provision of page No.4 of the bye-laws. This cryptic order has been passed about 2 years after approving the said list. No individual members have been mentioned in the order. The same is liable to be set aside on this ground alone. Further once he had already approved the Governing Body it was incumbent upon him to forward the case to the next higher authority for passing appropriate orders.”

Counsel for the petitioner has vehemently argued that the Governing Body was not approved by District Registrar on 11.10.2013 rather it got approved by the fiction of law in terms of the provisions of Section 33(5) of the Act. Be that as it may, the fact remains that the Governing body constituted on 11.10.2013 was approved in accordance with law and the only remedy available to challenge that approval may be deemed, was by way of an appeal which was admittedly not filed by the petitioner and has challenged the said order by making a complaint to the District Registrar, who has rejected the same though without any authority/competence as nothing has been shown by the counsel for the petitioner from the provisions of law as to how he can interfere in the matter in which he has already given the approval. Thus, there is hardly any merit in the present petition, therefore, the same is hereby dismissed.

September 04, 2018

Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No