

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

**CWP No.6955 of 2015(O&M)
Date of decision : 05.12.2018**

Sardara and others

.....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Anil Rathee, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Jitender Nara, Advocate
for respondents No.5 to 24, 26 to 29, 31 to 35.

ARUN MONGA, J(ORAL)

The present writ petition has been filed *inter alia* impugning the orders dated 02.09.2014 and dated 01.01.2015/05.01.2015 (Annexures P-17 and P-19). Whereby, respondent no.2 - Director of Industries and Commerce -cum-Registrar General of Societies, Haryana has summarily dismissed the appeal and review application respectively of the petitioners on the ground that the election of the governing body of the Society had already been completed on 22.08.2014 under the Supervision of City Magistrate, Jind who was appointed as Returning Officer under orders dated 19.07.2012 passed by this court in an earlier round of litigation.

2. As noted, the appeal of the petitioners was dismissed vide impugned order dated 02.09.2014 (Annexure P-17) as infructuous. Review of the said order preferred by the petitioner herein was also dismissed vide

impugned order dated 01.01.2015/05.01.2015 (Anneuxre P-19).

3. Learned counsel for the petitioners contends that the Registrar General of Societies, Haryana(respondent No.2) has wrongly dismissed the appeal as infructuous. He contends that the challenge before the District Registrar, Firms and Societies, Jind from Dalbir Singh (respondent No.5 herein) was with regard to the eligibility of the members of the society. Vide order dated 25.03.2012, District Registrar, Firms and Societies, Jind had held that only 09 members (petitioners No.1 to 7 and proforma respondents No.34 to 35 herein) are the eligible members and that 29 persons (respondents no.5 to 33) were held not eligible members of the society.

4. The said order dated 25.03.2012 was challenged by respondent No.5 herein before the Respondent-3/State Registrar of Societies, Haryana who set aside the order of District Registrar, Firms and Societies, Jind (Annexure P-8) and held that members of both groups i.e. nine from the petitioners group and 29 being the respondents No.5 to 33 were all eligible members. It was, thus, eligibility of respondents No.5 to 33, which was assailed before the State Registrar General of Societies, Haryana.

5. Further, learned counsel for the petitioners contends that election has been held on the basis of the illegal eligibility of respondents No. 5 to 33, on a finding recorded by respondent no.3-/State Registrar of Societies, Haryana. He also contends that the illegality continues to be perpetuated in view of the petitioners' appeal having not been decided on merits and having been wrongly dismissed as infructuous by the Registrar General of Societies, Haryana (respondent No.2).

6. *Per contra*, learned counsel for private respondents No.5 to 33 who have been held to be eligible members contends that in view of the fact that subsequent elections have taken place, the Registrar General of Societies, Haryana rightly dismissed the appeal.

7. When a query was posed by this Court whether the 09 members of the petitioners group as held eligible by District Registrar had the right to challenge the eligibility of 29 members added by the Registrar of Societies, learned counsels of respective parties are *ad idem* that decision on merits ought to have been taken by respondent No.2.

8. In this view of the matter, impugned order Annexure P-16 and P-17 and order Annexure P-19 passed by respondent No.2 dismissing the petitioners' appeal and review applications are set aside. Respondent No.2 is directed to dispose of the appeal preferred by the petitioner's against the order Annexure P-14 herein on merits.

It is made clear that all rival contentions of the respective parties are kept open to be decided by the Registrar General of Societies, Haryana in the said appeal proceedings.

Disposed of with no order as to cost.

(ARUN MONGA)
JUDGE

05.12.2018

dkp

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