

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

CWP No.27435 of 2017 (O&M)
Date of decision: 03.04.2018

Krishan Kumar Bansal

.... Petitioner

versus

State of Haryana & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. S.D.Bansal, Advocate
for the petitioner.

Mr. C.B.Goel, Advocate.

Mr. Vishal Garg, Addl. AG, Haryana.

Mr. B.D.Sharma, Advocate
for respondents No.9, 10 and 12.

Mr. Pawan Bansal, Advocate
for respondents No.11 and 13.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. V.S.Kajla, Advocate
for respondent No.14.

Rakesh Kumar Jain, J.(Oral)

The prayer made in this petition is for quashing the order dated 11.09.2017 (Annexure P-17) passed by the State Registrar of Firms and Societies, Haryana (respondent No.4) whereby he had appointed the respondent No.7 as an Administrator of Shree Krishna Gaushala Charitable Trust (Regd.) village Saketri, District Panchkula allegedly without issuing any notice/intimation.

At the time of preliminary hearing, notice was issued to only respondents No.1 to 5 and further proceedings pursuant to the notification

Annexure P-31 were stayed till further hearing.

It is needless to say that Annexure P-31 is a notification dated 11.11.2017 containing the election program as under:

1	Filing of Nomination Papers	25-26 November 2017, (1.00 AM to 3.00 PM)
2	Scrutiny and withdrawal of Nomination	28 th November 2017 (5.30 PM to 6.30 PM)
3	Date of Election	3 rd December 2017 (11.00 AM to 3.00 PM)
4	Counting of votes and declaration of result	3 rd December 2017 (4.00 PM to 5.00 PM)

Learned counsel for respondent No.14 has submitted that the election process was initiated on 08.11.2017 though the elections were to be held on 03.12.2017. There were only three nominations for three posts and therefore, the Returning Officer declared the said three members as elected un-opposed on 29.11.2017 and by letter dated 30.11.2017, the Administrator informed the State Registrar of Societies, Haryana that since the election process has been over, therefore, he has handed over the charge to the trust w.e.f. 30.11.2017 (AN).

During the course of hearing, it is found that there were allegations and counter-allegations between Mr. S.D.Bansal, Advocate and State Registrar of Firms and Societies, Haryana (respondent No.4).

However, with the intervention of the Court, both the counsel for the petitioner and respondent No.4 have agreed to withdraw the allegations made against each other.

Hence, it is ordered that the allegations made by Mr. S.D.Bansal, Advocate and respondent No.4 against each other are hereby expunged from the record.

Thus, in view of the aforesaid facts and circumstances much less the fact that the charge of the affairs of the Trust has been handed over to the newly elected body of the trust, the present petition has become infructuous.

It is pertinent to mention here that if the petitioner is aggrieved against the manner in which the elections were held because Mr.S.D.Bansal, Advocate submits that elections were held against the provisions of law, by the Administrator and the Returning Officer, the petitioner may take recourse to his remedies in accordance with law to challenge the same. However, in case, any process is adopted by the petitioner within a period of 15 days from the date of receipt of certified copy of the order, there shall be no issue with regard to limitation.

With these observations, the present petition is dismissed.

03.04.2018
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(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/non-speaking? Yes/No

Whether reportable? Yes/No