

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6051-2019 (O&M)
Date of Decision:06.03.2019

Anil Kumar

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Sihota, Sr. Advocate with
Mr. B.R. Rana, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

A complaint dated 9.12.2015 made by the petitioner against Sh. Deepak Yadav, President of Swami Vivekanand Education Society, was dismissed by the District Registrar of Societies, Faridabad vide order dated 10.6.2016 (Annexure P-6). The order of the District Registrar stands affirmed by the State Registrar of Societies, Haryana vide order dated 2.5.2017 (Annexure P-9) and the Registrar General of Societies, Haryana vide order dated 13.4.2018 (Annexure P-11).

The instant writ petition is directed against the afore-noticed three orders at Annexures P-6, P-9 and P-11.

Learned senior counsel would submit that in the complaint dated 9.12.2015 submitted by the petitioner before the District Registrar of Societies, Faridabad it had been stated that he was the General Secretary of the society and his wife namely Smt. Preeti Kumar was a Member of the society. Allegations had been raised in the complaint that since the year 2011 Sh. Deepak Yadav, President of the society along with his other family members had hatched conspiracy against the complainant/present petitioner and used to pass resolutions in his absence. There were allegations in the complaint that the society had removed the complainant/petitioner as also

his wife from the society in an illegal and arbitrary manner and that the husband and wife had at no stage tendered their resignations and even if there be documents in such regard the same have been forged and fabricated.

The sole contention raised by senior counsel is that the impugned orders at Annexures P-6, P-9 and P-11 passed by the District Registrar of Societies, Faridabad, State Registrar of Societies, Haryana and the Registrar General of Societies, Haryana respectively have not dealt with the aspect of fraud having been committed by the President of the society as also the forged and fabricated resignations of the petitioner as also his wife.

Having heard learned senior counsel at length and having perused the pleadings on record, this Court is of the considered view that the instant petition is completely bereft of merit and deserves to be dismissed.

Perusal of the impugned orders would reveal that after examination of the records a finding has been recorded that the society in question i.e. Swami Vivekanand Education Society had been originally registered on 21.3.1986 vide registration no. 984 of 1985-86 under the Societies Registration Act, 1860. At the time of registration neither the petitioner nor his wife were members of the society. However, the list of members and office bearers of the society relating to the year 2011 reflected that the petitioner was General Secretary and his wife Smt. Preeti Kumar was member of the society. As per the record the petitioner had tendered his resignation vide letter dated 20.2.2014 from the post of General Secretary and membership of the society. Likewise, Smt. Preeti Kumar, wife of the petitioner had also tendered her resignation vide letter dated

20.12.2013 from the membership of the society. While dismissing and rejecting the complaint filed by the petitioner, it has weighed with the authorities below that the petitioner had remained silent for a period of almost 2 years from the date of tendering of the alleged resignations and the complaint had only been filed on 9.12.2015.

Even during the course of hearing of the instant petition learned senior counsel has not been able to put up any plausible explanation as regards such delay. If the petitioner or his wife had not tendered the resignations in the years 2013/early 2014 and they having been prevented from participating in the proceedings of the society, the matter ought to have been agitated without any delay. However, it is only on 9.12.2015 that a complaint came to be lodged by the petitioner. Such aspect of delay was certainly vital and has rightfully been held against the petitioner by the respondent authorities.

Learned senior counsel while harping as regards the plea of fraud/fabrication/forgery having not been dealt with by the respondent authorities would submit that even a criminal complaint dated 13.7.2016 had been filed by the petitioner against Sh. Deepak Yadav, President of the society. In such regard it may be noticed that the complaint dated 9.12.2015 filed by the petitioner had been dismissed by the District Registrar of Societies, Faridabad vide order dated 10.6.2016 (Annexure P-6). A criminal complaint has seen the light of the day only thereafter i.e. on 13.7.2016. This Court would have no hesitation in observing that the criminal complaint dated 13.7.2016 was only an afterthought and had been filed after the petitioner was confronted with a situation of passing of the order dated 10.6.2016 (Annexure P-6), whereby his complaint had been rejected at the

hands of the District Registrar of Societies, Faridabad.

Learned senior counsel has not been able to point out any patent infirmity in the impugned orders at Annexures P-6, P-9 and P-11. Rather this Court finds that the basic order of rejection of the complaint of the petitioner dated 10.6.2016 passed by the District Registrar of Societies, Faridabad to be based on valid and cogent reasoning.

No interference in the matter is called for.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.03.2019

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