

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

CWP No.6499 of 2019
Date of decision:-11.03.2019

Anil Kumar Shukla

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present:- Mr. Vikas Bali, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant writ petition is to the memo dated 28.02.2019 (Annexure P-16) passed by the District Registrar, Firms and Societies, Gurugram.

Perusal of the impugned memo would reveal that a complaint had been received against the erstwhile President of the Society in question i.e. the present petitioner and towards resolving the issue, matter has been fixed for hearing on 12.03.2019 so that further action be taken under the provisions of the Haryana Registration and Regulation of Societies Act, 2012. It has further been directed in the impugned memo that till the complaint is not resolved the office of the society be kept open for all the elected office bearers as well as the members of the association and no meetings be called till such time.

Counsel for the petitioner would vehemently contend that the very action of the other office bearers including respondents No. 5 to 7 herein to have passed a resolution to suspend the petitioner is bad in law.

Further contention raised is that even if a complaint had been received from private respondents No.5 to 7, the District Registrar, Firms and Societies, Gurugram, had no jurisdiction in the matter and he ought to have referred the entire issue further to the Registrar under Section 55 of the Act.

Having heard counsel for the petitioner at length, this Court is of the considered view that no intervention would be called for at this stage.

The impugned memo dated, 28.02.2019, cannot be construed as a final order/view that has been taken by the District Registrar concerned in pursuance to the complaint that had been lodged before him by the private respondents. It is only an interim order and the proceedings are still pending before him and are now fixed for 12.03.2019.

The petitioner under such circumstances ought to appear before the District Magistrate on the date already fixed i.e.12.03.2019 and to raise all contentions on facts as well as on law.

Writ petition is accordingly disposed of with the observations that it would be open to the petitioner to take resort to remedies in accordance of law in the eventuality of a final order being passed by the District Registrar and which may be seen as detrimental to his interest.

(TEJINDER SINGH DHINDSA)
JUDGE

11.03.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No