

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

CWP-34595-2019

Date of decision: 27.11.2019

Alpha G 184 Owners Association and anotherPetitioners.

vs.

State of Haryana and othersRespondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Rahul Rathore, Advocate for the petitioners.

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Sanjay Kumar, J. (ORAL)

The petitioner association seeks to assail the order dated 12.2.2019 passed by the State Registrar of Societies, Haryana, whereby it was directed to amend its bye-laws/constitution within a time frame failing which its registration was liable to be cancelled under the provisions of the Haryana Registration and Regulation of Societies Act, 2012 (hereinafter, 'the Act of 2012').

Admittedly, the petitioner association preferred an appeal against this order before the Registrar General of Societies, Haryana, under Section 79(3) of the Act of 2012. It appears that it also filed an application seeking condonation of delay along with a stay application therein.

Mr. Rahul Rathore, learned counsel for the petitioner association, would assert that the Appellate Authority has not shown any interest in taking up the subject applications, though the appeal was filed as long back as on 27.5.2019. He would assert that the next date of hearing has been fixed for 24.12.2019 but the petitioner association does not expect any effective orders to be passed even on

that date, as the matter is being adjourned from time to time.

Merely because the Appellate Authority has not taken up the matter in right earnest, it is no ground for this Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India and entertain a writ petition. The order dated 12.2.2019 has already been subjected to appeal before the Registrar General of Societies, Haryana, and the same has to be pursued to its logical conclusion.

That being said, it is not open to the Appellate Authority to keep the matter pending indefinitely. Statutory remedies are provided for expeditious adjudication of the issues raised by the parties and delay on the part of such statutory authorities in discharging their quasi judicial functions would not only be counter productive but also defeat the rights of the parties. The Appellate Authority therefore has to give priority to the statutory appeals preferred before it and more so, applications filed therein for interim relief.

The writ petition is accordingly disposed of directing the Registrar General of Societies, Haryana, to deal with the condone delay application filed by the petitioner association on its own merits and in the event the delay is condoned, the Appellate Authority shall also consider the stay application filed by the petitioner association on its own merits and in accordance with law. This exercise shall be completed expeditiously and preferably, within one month from the date of receipt of a certified copy of this order. The petitioner

association is given liberty to raise all the issues raised in this writ petition before the Appellate Authority, if not already raised.

No order as to costs.

(SANJAY KUMAR)
JUDGE

27.11.2019

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no