

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

CWP-27398-2018

Date of decision: 24.5.2019

Radhey Shyam

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Sanjiv Gupta, Advocate for the petitioner

Mr.Vivek Saini, DAG, Haryana

Mr.SK Sharma, Advocate for respondent Nos. 4 to 19

JITENDRA CHAUHAN, J.

By way of present writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the impugned order dated 13.9.2018 (Annexure P-6) vide which the objections filed by the petitioner were dismissed/ rejected without taking into consideration the mandate of law and purport of the Haryana Registration and Regulation of Societies Act, 2012 (for short 'the Act of 2012').

Learned counsel for the petitioner refers to Sections 39 and 40 of the Act of 2012 to submit that election of the society for the year 2018-2020 was held in violation of the Act of 2012 as there was no occasion for suffering induction of the new members after notification of list of members on 4.6.2018. A large scale misappropriation was committed in the election and respondent No.1 was declared as returned candidate in illegal manner.

On the other hand, learned counsel for the State as well as learned counsel for respondent Nos. 4 to 19 submit that the present petition is not maintainable as there is a specific provision under Section 79 of the Act of 2012 to file appeal before the Registrar General.

Heard.

The petitioner is a member of Vaish Education Society, Charkhi Dadri (for short 'the Society'), registered on 25.3.2017 under the Act of 2012. Notification for holding the election for the post of President was issued on 4.6.2018. After approval of the list of members of the society on 12.7.2018, election was conducted on 29.7.2018 and the result was declared on the same day and respondent No.4 was declared elected as President of the society, whereas the petitioner remained unsuccessful. Thereafter, the petitioner submitted a complaint dated 6.8.2018 (Annexure P-3) through email followed by a hard copy on 9.8.2018, without depositing the requisite fee as required under Section 82 of the Act of 2012. After hearing all the concerned parties, vide order dated 13.9.2018 (Annexure P-6), the complaint was dismissed.

Section 79 of the Act of 2012 reads as under:-

“79. (1) An appeal against any orders passed by the District Registrar shall lie with the Registrar and the appeal against the orders passed by the Registrar shall lie with the Registrar General. The orders passed by the Registrar General in any such appeal shall be final and no further appeal shall be competent against his orders.

(2) Where an order originates from the Registrar General, an appeal against such order shall lie before the Government.

(3) Any appeal shall be filed within a period of sixty days of the date of issue of the impugned orders. The appellate authority may entertain an appeal beyond this period up to a maximum of another sixty days on sufficient grounds for condonation of delay being shown.

(4) Every appeal shall be accompanied with the fee as prescribed.

(5) The District Registrar, Registrar or the Registrar General may suo motu or on an application received in this behalf from any party that any order has been passed which is based on some erroneous facts or carries some patent error or suffers from some inadvertent mistakes, may review its order within ninety days of its passing with the prior permission of the next higher authority.

In the present case, the petitioner never objected to regarding approval of the members list etc. He himself contested the election and was defeated against respondent No.4. If there were any irregularities in the election process, he ought to have raised objection immediately, but as per the record, no complaint was made by him.

Vide impugned order dated 13.9.2018 (Annexure P-6), District Registrar, Firms & Societies, Bhiwani dismissed the petition/ complaint. As

per Section 79 of the Act of 2012, the appeal against the impugned order dated 13.9.2018 (Annexure P-6) lies before the Registrar General.

In view of the above, there is no infirmity or perversity in the impugned order and as such, the present petition being bereft of merit, is dismissed. If so advised, the petitioner may file statutory appeal under Section 79 of the Act of 2012 before the Registrar General.

24.5.2019
gsv

[**JITENDRA CHAUHAN**]
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No