

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

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CWP-215-2021 (O&M)
Date of Decision: 11.10.2022

SUBHASH CHANDER

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Raman Chawla, Advocate
for respondent No.6.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India, 1950 for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 31.12.2020 (Annexure P-2) passed by respondent No.3- State Registrar of Societies, Haryana, whereby further process for election of Governing Body of the Jat Educational Society, Hisar has been stayed.

Learned counsel for the petitioner contends that Jat Educational Society, Hisar is duly registered under the Haryana Registration & Regulation of Societies Act, 2012. On 08.11.2020, respondent No.7 i.e. Returning Officer of the Jat Educational Society, Hisar published the election schedule for the year 2020-21. Learned counsel for the petitioner contends that the petitioner had submitted his nomination to contest the election from Ward No.263. As per the published election schedule, there are total 296 Wards to form an Electoral College and each member elected from the said

296 wards would constitute the Electoral College for electing the Governing Body of the Jat Educational Society, Hisar. On 25.12.2020, votes were cast in each ward according to the published election schedule. The result was also declared on the same day, wherein the petitioner was declared successful candidate from his ward. Learned counsel for the petitioner contends that private respondents No.8 to 23, who belong to Ward No.1 of the Electoral College filed complaint on 30.12.2020 before the District Registrar, Firms and Societies alleging irregularities in the election and the bogus votes that were cast. The said complaint was forwarded by the District Registrar, Firms and Societies to the State Registrar, Firms and Societies in terms of Section 40 of the Haryana Registration & Regulation of Societies Act, 2012. After hearing the parties, the State Registrar marked an inquiry in regard to the allegations levelled by the private respondents in the said complaint and asked the Returning Officer to submit the inquiry report. While passing the aforesaid interim order, further election process had been stayed vide order dated 31.12.2020.

Learned counsel for the petitioner contends that that he would be satisfied at this juncture in case the State Registrar, Firms and Societies is directed to decide the reference number 920 of 2020, pending before it, in a time bound manner taking into consideration that the matter has remained pending for a period of nearly two years and the elections of the Governing Body of the Jat Educational Society, Hisar has thus not been held.

Mr. Raman Chawla, Advocate appearing for respondent No.6, however, contends that the prayer made should not be granted since the private respondents No.8 to 23 have not entered appearance in the present petition before this Court.

I have heard the learned counsel for the respective parties and have gone through the record available on record.

Dealing with the objection raised by the learned counsel for the respondent No.6, President, Jat Educational Society, Hisar, I am of the opinion that in view of the prayer made and the directions which this Court proposes to pass, the appearance of the said respondents is not necessary especially when the private respondents are appearing as petitioners-claimants in the reference No.920 of 2020 pending before the State Registrar, Firms and Societies. Even otherwise, the respondent No.6 does not hold the brief for the said respondent and any such objection, which is not based upon valid instructions, is not tenable.

Accordingly, the present petition is disposed of with a direction to the State Registrar, Firms and Societies to pass a final order on the pending reference bearing No.920 of 2020 titled as 'Bimla Devi and others Vs. President/Secretary, Jat Educational Society, Hisar and another in a time bound manner and preferably within a period of four months from the date next fixed before the State Registrar, Firms and Societies.

The present petition stands disposed of accordingly.

11.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No