

117

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

CWP No. 9633 of 2022
Date of Decision: 09.05.2022

Ram Chaudhary

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pardhuman Garg, Advocate,
for the petitioner.

Mr. Manish Kumar Singla, Advocate, and
Ms. Shikha Singla, Advocate,
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed the order dated 29.04.2022
and consequent order dated 29.04.2022 passed by District
Registrar (Firms and Societies), Kaithal.

Elections of the governing body of respondent No.3
were held on 05.05.2019. Approval of the elected governing
body was accorded by the District Registrar vide order dated
24.05.2019.

In view of Section 39(5) of the Haryana Registration
and Regulation of Societies Act, 2012, the Constitution of the
governing body appointed or elected for the first time or

thereafter shall be valid only upon approval thereof by the District Registrar and its tenure shall commence from the date of its approval.

In view of aforesaid provision, the tenure of the governing body was upto 23.05.2022.

Vide the impugned order dated 29.04.2022, the District Registrar (Firms and Societies), Kaithal has appointed an administrator of the Society to manage the affairs and for conducting the elections of governing body in a transparent manner. The aforesaid appointment is from 05.05.2022 to 30.06.2022 within which the administrator is required to do the needful in the context of holding free and fair election in a transparent manner.

Vide order of even date i.e. 29.04.2022, the District Registrar has also appointed an observer under sub section 11 of Section 39 of the Act to oversee the process of election of governing body to be held on 12.06.2022 as per election schedule.

Notice of motion.

On the asking of the Court, Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of respondents No.1 to 3 and Mr. Manish Kumar Singla, Advocate accepts notice on behalf of respondent No.4.

Learned counsel for respondent No.4 submits that the impugned orders passed by the District Registrar are amenable to appeal under Section 79(2) of the Act. The petitioner himself has filed a representation-cum-review application dated 03.05.2022 before the District Registrar, informing her about the requirement of law as well as bye laws of the Society.

This Court is *prima facie* convinced that the tenure of the governing body of respondent No.4 is upto 23.05.2022.

Since, the petitioner himself has approached the respondent No.3 by way of representation/review dated 03.05.2022 and he has also remedy of appeal under Section 79(2), therefore, at this stage, I deem it appropriate to direct the respondent No.3 to pass an appropriate order on the representation filed by the petitioner within a week in accordance with law from the date of receiving certified copy of this order.

With these observations, this writ petition is disposed of at this stage.

09.05.2022
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No