

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

Date of Decision: 12.12.2022

212-1

CWP-12890-2016 (O&M)

KRISHAN

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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212-2

CWP-6939-2016 (O&M)

MAHENDER SINGH AND ORS.

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Karan Singla, Advocate
for the petitioners in both petitions.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Saurabh Kandoi, Advocate
for the respondents No.2 to 6 in CWP-12890-2016 and
for the respondent No.4 in CWP-6939-2016.

VINOD S. BHARDWAJ, J. (ORAL)

This order shall dispose of two writ petitions bearing CWP No.12890 of 2016 titled as 'Krishan Vs. State of Haryana and others' and CWP No.6939-2016 titled as 'Mahender Singh and others Vs. State of Haryana and others' as the dispute in both the petitions pertains to election of the same Society i.e. Jat Education Society.

The grievance espoused by the petitioner in the present set of petitions is against the improper conduct of elections to the effect that the voter card having not been issued despite the specific provision in this regard in the by-laws, and also for the improper determination of the Collegium.

Since the election schedule had been going on in the year 2016, the petitioner had approached this Court as a measure of emergency and vide order dated 30.06.2016, the election, which was then scheduled to be held on 10.07.2016 was stayed by this Court.

As the dispute pertains to the conducting of election to the Managing Committee of Jat Education Society, which relates to the Identity Cards and/or issuance of Identity Cards to the electoral college and also the determination of scheme of Collegium, the same would fall within the scope of Section 39(4) of the Haryana Registration and Regulation of Co-op. Societies Act, 2012.

Learned counsel for the petitioner(s) contends that a period of six years has already elapsed since the filing of the present petitions and that the entire election process has to be initiated afresh. He further contends that he wishes to approach the District Registrar of Firms and Societies for redressal of the grievances of the petitioners.

In view of the above, learned counsel for the petitioner(s) seeks permission to withdraw the present petition with liberty to file an appropriate petition under Section 39(4) of the Haryana Registration and Regulation of Co-op. Societies Act, 2012 before the Competent Authority. He further prays that the Competent Authority i.e. District Registrar be directed to decide such application in a time bound manner.

The aforesaid prayer is not objected to by the learned counsel for the respondents.

Accordingly, the present petition stands disposed of being withdrawn with liberty to the petitioner to approach District Registrar of Firms and Societies to file an appropriate application under Section 39(4) of the Haryana Registration and Regulation of Co-op. Societies Act, 2012.

Needless to mention that upon filing any such application by the petitioner before the Competent Authority, an expeditious decision shall be taken by way of passing a speaking and reasoned order thereupon after affording an opportunity of hearing to the respective parties within a period of four months from the complete of service.

12.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

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