

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

212-3

**CWP-14987-2016
Date of Decision: 12.12.2022**

DAYA NAND HOODA

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Dinesh Arora, Advocate
for the petitioner.

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

Mr. Saurav Kandoi, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent No.4 to entertain the petition filed by the petitioner for correction of spelling in his name in the voter list of Collegium No.17 of Village Chuliana for election of Jat Education Society, Rohtak and further directing respondent No.3 to keep the elections on hold till the objections filed by the petitioner are decided in view of the provisions of Section 39(4) of Haryana Registration and Regulation of Cooperative Societies Act, 2012.

It is undisputed that Section 39(4) of Haryana Registration and Regulation of Cooperative Societies Act, 2012 vests power with the District Registrar of the Firms and Societies to adjudicate upon a dispute pertaining to

inclusion and/or exclusion of any member from the published list of voters amongst other disputes. No such petition has been preferred by the petitioner before the Competent Authority i.e. District Registrar under Section 39(4) of the Haryana Registration and Regulation of Cooperative Societies Act, 2012.

Faced with the above, learned counsel for the petitioner 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 Cooperative 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Accordingly, the present petition stands disposed of being withdrawn with liberty to the petitioner to approach District Registrar of Firms and Societies to file an appropriate application under Section 39(4) of the Haryana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 Cooperative 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 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