

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

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**CWP-24110-2022 (O&M)
Date of decision: 20.10.2022**

SATYVIR SINGH AND ANR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Petitioner No.1 in person.

VINOD S. BHARDWAJ, J. (Oral)

CM-16704-CWP-2022

The instant application has been filed under Rule 3-A (i), Chapter VI, Part-B, Vol. V of the High Court Rules and Orders for grant of leave to file the present petition.

Application is allowed as prayed for.

CWP-24110-2022

The instant petition has been filed under under Articles 226/227 of the Constitution of India for issuance of directions in the nature of Mandamus directing District Registrar, Firms and Societies, Rohtak to decide the petitions dated 05.10.2022 (Annexure P-5) and 10.10.2022 (Annexure P-6) filed under Section 39 of the Haryana Registration and Regulation of Societies Act, 2012.

Local Bar Association is abstaining from work, however, petitioner No.1 is present in Court. The averments contained in the petition have been perused with his assistance. It is set out in the

petition that Haryana Ex-Services League (hereinafter referred to as “HESL”) was registered under the Societies Registration Act, 1860 and upon pronouncement of the Haryana Registration and Regulation of Societies Act, 2012, the new Registration was carried out. The Registered office of the said Society is at Rohtak. It is set out that there are 72,522 members of HESL as per the election list finalized in the year 2019 and duly reflected in the order dated 22.01.2019 passed in Appeal No. 622 of 2018 passed by the State Registrar of Firms and Societies. It is set out that an admission procedure of the members of the society is detailed out in Section 7 of the bye-laws which is also in consonance with Rule 5 of the Haryana Registration and Regulation of Societies Rules, 2012. It is alleged that the election process of HESL has now been instituted and that bogus/fake members have been registered. He contends that the petitioner has already preferred petition under Section 39 of the Haryana Registration and Regulation of Societies Act, 2012 before the District Registrar (Firms and Societies), Rohtak, Haryana. It is contended that, however, no date has so far been conveyed to the petitioners for hearing in the said petition, however, the schedule of election has already been notified. The nominations are to commence from 17.10.2022 for Phase-I and from 21.10.2022 for Phase-II and the notice were sent to elect the President and other Office bearers of the Society alongwith the election has been approved to commence from 01.11.2022. The prayer made today before the Court is that they would be satisfied in case the District Registrar (Firms and Societies), Rohtak is directed to look into the grievance espoused by the petitioners by the petitions filed under Section 39 of the Haryana

Registration and Regulation of Societies Act, 2012 (Annexures P-5 & P-6) in a time bound manner after affording an opportunity of hearing to all the concerned and relevant parties. It is conceded that disputed question of fact regarding the valid admission of members and their entitlement is involved in the present petition and it is also submitted that the requisite documents have not been supplied to them by the Society as well as by the office of the District Registrar Firms and Societies and as such, they are not at a capacity at this juncture to point out with detailed reference to the documents regarding the details of the members who had wrongly been inducted as members of the society.

Taking into consideration, the disputed questions of fact and also the inability of the petitioners to pinpoint the deficiencies/disqualifications purportedly attributable to the newly inducted members, it may not be possible for this Court at this juncture to look into the said grievance and to pass any order. Moreover, in the event this Court chooses to proceed further, it would be required for the petitioners to implead all the said effected parties. The petitioners express their logistic inability to carry out such an exercise at this juncture.

The present petition is accordingly disposed of at this stage at the request of the petitioner and without commenting on the merits of the present case with a direction to the District Registrar (Firms and Societies), Rohtak, Haryana to fix a date of hearing in the petitions filed by the petitioners invoking jurisdiction under Section 39 of Haryana Registration and Regulation of Societies Act, 2012 (Annexures P-5 & P-6) and to pass a reasoned and speaking order after affording an

opportunity to all effected parties within a reasonable period.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 20, 2022
Vishal sharma

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