

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

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**CWP-4483-2023 (O&M).
Date of Decision: 03.03.2023.**

Rajinder Singh

.. Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Mohan Singla, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition raises a challenge to the Election Schedule for the posts of Office Bearers of Shri Durga Mahila Mahavidyalya Samiti (hereinafter referred to as 'Society'), Tohana, issued by respondent No.4-Sub Divisional Magistrate, Tohana, dated 30.01.2023 (Annexure P-5) on the ground that the same has been issued without conducting a fair and proper inquiry into the allegations of embezzlement of funds by the former Office Bearers and notwithstanding that the Deputy Commissioner had directed for constitution of an Enquiry Committee and conducting an inquiry vide order dated 15.12.2022 (Annexure P-2). The petitioner claims to be a registered member of the above-said Society.

Learned counsel appearing on behalf of the petitioner submits that the Society runs various Educational Institutions including Shri Durga Mahila Mahavidyalya Samiti, Tohana. The above said Society is registered under the provisions of the Haryana Registration and Regulation of Societies Act, 2012. He further contends that the aforesaid Society received large amount of donations from members of the Society during the past 5

years. However, the Officer Bearers for the past 4-5 years indulged into irregularities in the management of the College funds and committed financial irregularities by embezzling huge funds and fabricating false bills. A complaint was handed over by the students and staff of the aforesaid Society to the District Registrar of Firms and Societies, District Fatehabad and vide order dated 24.05.2022 (Annexure P-1) Sh. Anil Doon, HCS, Sub Divisional Magistrate, Tohana, was appointed as Administrator of the above said Society for a period of 03 months or till the constitution of a new Governing Body, whichever is earlier. The Administrator was empowered to manage the day to day affairs of the Society and to conduct an election of the Governing Body as per the Haryana Registration and Regulation of Societies Act, 2012 and the rules framed thereunder and in accordance with the Bye Laws of the Society in a free and fair manner. It is submitted that pursuant to the aforesaid order appointing the Administrator for conducting elections of the aforesaid Society, the Administrator had notified the Election Schedule for conducting of the elections which is now a subject matter of challenge by the petitioner herein.

Learned counsel for the petitioner contends that the allegations leveled by the students and staff members regarding the alleged irregularities committed by the erstwhile Officer Bearers have not been examined and that till the above said financial irregularities are inquired into and the Officer Bearers are dismembered, the elections should not be held.

I have heard the learned counsel appearing on behalf of the petitioner.

I am afraid that the above said contention of the petitioner is misconceived and is not founded in the provisions of the Haryana Registration and Regulation of Societies Act, 2012. The Administrator has been appointed by the District Registrar, Firms and Societies, Faridabad, vide order dated 24.05.2022 until the constitution of the new Governing Body or until the period of three months whichever is earlier. The said period is seemingly extended by subsequent orders passed by the District Registrar. The issue in relation to inquiry against the financial irregularities is not within the competence of the Administrator to examine and the same is to be looked into by the Competent Authority under the Haryana Registration and Regulation of Societies Act, 2012. Moreover, it is also not within the scope of the powers of an Administrator to dismember any person or cause induction of any person as a member and/or removal thereof. The same can only be done by the competent body of the Society itself. The prayer thus made is mis-conceived. The present petition is accordingly dismissed as mis-conceived in so far as the prayer of the petitioner to set aside the election schedule notified by the Administrator is concerned. The petitioner, if so advised would, however, be at liberty to pursue his remedies before the competent Authority as regards the inquiry into the allegations of financial embezzlement or any other relief under the provisions of the Haryana Registration and Regulation of Societies Act, 2012 and the rules framed thereunder.

March 03, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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