

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

140

**CWP-5334-2023
Date of decision: 16.03.2023**

ST. THOMAS SCHOOL, JAGADHRI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Piyush Aggarwal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The second writ petition has been filed by the petitioner-School for seeking issuance of directions to respondent No.6 to receive and decide the representation of the petitioner appended as Annexure P-1 as also received by respondent No.4 i.e. the District Registrar of Societies, Yamuna Nagar, District Industries Centre, Old Industrial Area, Yamuna Nagar.

The present petition has been filed by the School, which is not a juristic entity. The reliance has been placed on a resolution passed by the Finance Committee of the School and not by the Society. There is no resolution passed by the holding society authorizing the principal to institute the present petition and/or any proceeding for and on behalf of Society in question. This clandestine petition by way of merger of various cause of action is being sought to be filed as a short cut to institution of an appropriate proceeding for redressal of issues. The petitioner had earlier also

approached this Court by filing Civil writ petition No. 28137 of 2022 which was withdrawn with liberty to take recourse to the alternate remedies available to it in accordance with law.

However, instead of approaching the concerned competent authorities by filing an appropriate petition, the instant writ petition has been filed again by joinder of different cause of action and by misjoinder of parties to achieve what could not have been achieved in the first round of litigation. I find that institution of such proceedings as a short-cut to the procedure established by law is an attempt to abuse the process of law. Ordinarily, this Court would have been inclined to impose cost for institution of such proceedings, however, on the insistence of the counsel for the petitioner, the present petition is dismissed without imposing any cost.

Dismissed with liberty to take recourse to remedies available as per law.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 16, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No