

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

COCp-829-2022 (O&M)
Date of decision: 27.03.2023

AVR Educational Society (Regd.)

...Petitioner

Versus

Sanchit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. D. S. Jattana, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Sandeep Sharma, Advocate
for respondent Nos. 5 and 6.

ARVIND SINGH SANGWAN, J. (Oral)

CM-7641-CII-2022

Prayer in this application is for impleading the applicants, being the members of the *ad hoc* committee, as respondent Nos. 5 and 6 to this petition.

For the reasons stated in the application, the same is allowed. The applicants are impleaded as respondent Nos. 5 and 6. Amended memo of parties is taken on record.

Main Case

The petitioner had filed a writ petition bearing CWP-6720-2022 with the following prayer:

“CIVIL WRIT PETITION under Article 226/227 of the Constitution of India by the President of the duly elected Governing Body, elected on dated: 13/01/2022, Annexure p-14, it is prayed for the issuance of a writ in

the nature of certiorari and thereby for setting aside of the order dated: 15/03/2022, Annexure P-19, whereby no order finally deciding the appeal dated: 31/01/2022, Annexure P-17, has been passed and only observations have been made in the impugned order dated: 15/03/2022, Annexure P-19 and the issue regarding the holding of the elections and the election result dated: 13/01/2022, Annexure P-14, after the returning officer was appointed on dated: 09/12/2021, Annexure P -12, and uploaded at 11 AM leading to the anti-dating of the order dated: 08/12/2021, Annexure P-12A, send only by email on dated: 09/12/2021, Annexure P-12B, by the respondent No. 5, as neither any case was pending nor any date fixed for having passed the said order;

AND

For setting aside of the order dated: 22/03/2022, Annexure P-20, as passed by the respondent No. 5 - District Registrar, as well as the order dated: 25/01/2022, Annexure P-16, passed despite lack of jurisdiction under section 39 & 40 of the Haryana [Registration & Regulation] of Societies Act, 2012; For upholding of the election results dated: 13/01/2022, Annexure P-14, as the schedule of the elections was submitted and uploaded with the respondent No. 5 on dated: 22/10/2021, Annexure P-10, the resolution dated: 25/11/2021, Annexure P-11 and the appointment of the Returning Officer and fixing of the election schedule on dated: 09/12/2021, Annexure P-12 which election result has neither been invalidated nor challenged.”

The writ Court, vide order dated 04.04.2022, directed that till the next date of hearing, the impugned order(s) be not implemented.

Learned counsel for the petitioner submits that subsequent thereto, vide order dated 29.04.2022, the District Registrar (Firms &

Societies), Gurugram has again constituted the *ad hoc* committee by nominating two persons with a direction that the *ad hoc* committee will complete the election process following the procedure within the stipulated time of three months, under the Haryana Regulation & Registered Societies Act, 2012.

Learned counsel for the petitioner further submits that the members of the *ad hoc* committee are in litigation with the petitioner. It is further submitted that the order dated 29.04.2022 is in violation of the aforesaid direction issued by the writ Court.

Learned State counsel, on the basis of the affidavit filed by the District Registrar, Firms and Societies, Gurugram, which is on record, submits that since this Court has stayed the implementation of the orders dated 15.03.2022 and 22.03.2022 till the next date of hearing, the District Registrar, on 15.03.2022, passed an order appointing an Administrator in place of the *ad hoc* committee and thereafter, vide order dated 22.03.2022, the Administrator was appointed in compliance of the order passed by the District Registrar. It is further stated that on coming to know about the order dated 04.04.2022 passed by this Court, the respondents stayed the implementation of the aforesaid orders and the process of handing over the charge to the newly appointed Administrator was kept in abeyance and both the said orders are not implemented, after passing of the order by the writ Court.

It is further stated that the *ad hoc* committee was appointed prior to passing of the order dated 04.04.2022 to manage the day to day affairs of the society, as per order dated 25.01.2022, which has already took

over the charge for the proper functioning of the society. Similar is the stand taken by respondent Nos. 5 and 6.

Learned State counsel as well as learned counsel for respondent Nos. 5 and 6 submit that the petitioner has already moved an application before the writ Court with regard to passing of order dated 29.04.2022 and the same is pending adjudication.

In view of the above, no case of any willful disobedience is made out.

The present petition is dismissed.

Rule stands discharged.

27.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No