

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-300-2024

Date of decision: 09.01.2024

KARAM CHAND KHURANA AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

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

Present: - Mr. Mukul Aggarwal, Advocate
for the petitioners.

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

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of a direction to respondent No.3 i.e. District Registrar, Firms and Societies, Karnal for appointment of a new Returning Officer in order to complete the election process of the Society since the Returning Officer appointed earlier has resigned midway after the commencement of the election process.
2. Learned counsel appearing on behalf of the petitioner contends that the election to the Santan Dharam, Ved Shastra, Smirities and Puran, a Society namely Shri Santan Dharma Sabha, (Regd.), Karnal were to be conducted in terms of the bye laws. The petitioners No.1 to 5 are Life

members of the society whereas petitioner No.6 is a member of General Body. The elections of the society were due on 30.06.2023 where the Returning Officer notified the elections of the Society, alongwith the voter list. As per the said voter list, there were 29 members/voters. A complaint was, however, made to the District Registrar, Firms and Societies, Karnal alleging certain irregularities in the election process. Vide Order dated 28.07.2023, District Registrar, Firms and Societies, Karnal postponed the elections of the Society till further orders. The above-said complaint was decided by the District Registrar vide order dated 24.08.2023 and the election process was set in motion for the post of President. Some of the members including petitioner No.4 preferred an appeal before the District Registrar against the said order, which is still pending and no interim has been granted thereupon.

3. Vide order dated 28.09.2023, the District Registrar, Firms and Societies, Karnal has appointed respondent No.4 viz. one Jai Pal Singh as a Returning Officer to ensure conduct of elections to the Governing Body of the Society within a period of three months. It is, however, alleged that with a view to debar the petitioners from participating in the elections, on 04.10.2023, a false and frivolous complaint against the petitioners was made to the District Registrar, Firms and Societies, Karnal. The petitioners filed their reply to the said complaint controverting the allegations made therein. The District Registrar Firms and Societies, Karnal cancelled the membership of petitioners No.1, 2, 3 and 5 and suspended the membership of petitioners No.4 and 6 on certain grounds, which are claimed not available under the Act of 2012 nor under the Bye-laws, vide its order dated 08.12.2023. While passing of the above said order, the District Registrar, Firms and Societies, Karnal travelled beyond the allegations made in the complaint and the order was passed without

affording adequate opportunity of hearing to the petitioners. After passing of the said order, the Returning Officer-respondent No.4 vide order dated 10.12.2023, notified the elections of the Society alongwith a voter list of 22 members by excluding the name of the petitioners herein. The process of filing nomination was commenced from 14.12.2023 and the result of election was declared on 25.12.2023. The order dated 08.12.2023 whereby the membership of the members had been cancelled/suspended had been challenged before this Court by way of *CWP-27972 of 2023* titled as *“Karam Chand and others versus State of Haryana”*. Notice in the writ petition had been issued to the respondents and the petitioners were permitted to participate in the ongoing election process subject to the final outcome of the writ petition. The petitioners No.2, 3, 5 and 6 filed their nomination for contesting the elections for the governing body as well as General Secretary before the Returning Officer-respondent No.4, which on scrutiny were found to be valid.

4. That as per declared Election Schedule, the list of all aspirants/candidates was to be published on 15.12.2023 by 11 am. Further, on 15.12.2023, the petitioners waited for the Returning Officer to publish the said list, however, he did not visit the premises of the society to publish the said list. An e-mail in this regard was sent to the District Registrar-respondent No.3. The Returning Officer also did not turn up on 16.12.2023. Similar emails were also sent to the District Registrar, Karnal on 16.12.2023 as well as on 18.12.2023. Thereafter on 19.12.2023, the District Registrar, Karnal informed the petitioners that the Returning Officer has submitted his resignation and new Returning Officer would be appointed soon. It is contended that as per Section 3 of the Haryana Registration and Regulation of Societies Act, 2012 the Returning Officer is to be appointed within a period of 07 days and notwithstanding that the Returning Officer tendered his resignation as intimated

vide e-mail dated 19.12.2023, the necessary steps for appointment of Returning Officer to substitute respondent No.4 have not been taken and no fresh appointment of Returning Officer has been initiated by respondent No.2-State Registrar, Co-operatives Societies.

5. Counsel for the petitioner contends that he would be satisfied if respondent No.3 i.e. District Registrar, Firms and Societies, Karnal is directed to appoint Returning Officer in terms of the Haryana Registration and Regulation of Societies Act, 2012 in a time bound manner as prescribed therein.

6. Counsel for the respondent-State has no objection to the same.

7. Accordingly, respondent No.3 i.e. District Registrar, Firms and Societies, Karnal is directed to appoint Returning Officer in terms of the Haryana Registration and Regulation of Societies Act, 2012 in a time bound manner.

8. The present writ petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 09, 2024
Vishal Sharma

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