

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

104+261

CWP-2755-2024 (O&M).
Date of Decision: 22.04.2024.

SALIL BARAR AND OTHERS

.. Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Gaurav Chopra, Sr. Advocate, with
Mr. Parvez Chugh, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Puneet Jindal, Sr. Advocate, with
Mr. Arshnoor Singh Chugh, Advocate,
for the applicant-respondent No.3.

Mr. Chetan Mittal, Sr. Advocate with
Mr. Udit Garg, Advocate,
Mr. Manoj Kumar Sharma, Advocate,
Mr. Rivtik Garg, Advocate,
for the applicants in CMs.5071 and 5072-CWP-2024.

VINOD S. BHARDWAJ, J. (ORAL)

CM-5071-CWP-2024

Since the main case itself is being decided today, the present
misc. application, seeking early hearing of the writ is disposed of as having
been rendered infructuous.

CM-4132-CWP-2024

The present application has been filed by the applicants-proposed respondents No.4 to 21 under Order 1 Rule 10 of the Code of Civil Procedure for seeking impleadment of applicants being necessary party.

Notice in the application had been issued on 07.03.2024.

Learned counsel for the petitioner has no objection to the same.

The present misc. application is allowed accordingly.

Applicants mentioned in para No.6 of the application are impleaded as respondents No.4 to 21. Counsel submits that he does not intend to file any separate reply.

Amended Memo of Parties is taken on record.

CM-5335-CWP-2024

The present application has been filed by the applicant-proposed respondent No.22 under Order 1 Rule 10 of the Code of Civil Procedure for seeking impleadment being a necessary party.

Learned counsel for the petitioner has no objection to the same.

The present misc. application is allowed accordingly.

Applicant is impleaded as respondent No.22. Counsel submits that he does not intend to file any separate reply.

Amended Memo of Parties is taken on record.

CM-5343-CWP-2024

Application is allowed as prayed for subject to all just exceptions.

Affidavit of respondent No.21-Gulshan Mehta, is taken on record.

The Registry is directed to tag the same at an appropriate place.

CM-5063-CWP-2024

Since the main case itself is being disposed of, the present application seeking direction to the District Registrar to decide the petition filed by applicant-respondent No.3 also stands disposed of as not pressed.

CM-5072-CWP-2024

Since the main case itself is being disposed of, the present application seeking direction to the District Registrar to decide the petition filed by applicant-respondent No.21 also stands disposed of as not pressed.

Main case

Learned counsel appearing for the parties inform that pursuant to the interim order dated 12.02.2024 passed by this Court, election to the Governing Body of the Society has already been held.

Counsel for the applicant-respondents contends that they have objections against the elections held and certain decision(s) taken by the Returning Officer. Aggrieved of the result of the election, they preferred a petition before the District Registrar of Societies challenging the election, however, the applications were returned on the ground that since the elections were held under the directions issued by the High Court, hence, any person aggrieved thereof is required to approach the High Court for espousing the said grievances.

In this regard, it is clarified that in so far as the issues pertaining to the outcome of election are concerned, any person aggrieved thereof is at liberty to pursue his remedies in accordance with law, before

the Competent Authority under the Haryana Registration And Regulation Of Societies Act, 2012 and pendency of the instant petition against the order passed by the District Registrar dated 31.01.2024 does not stand in the way of the competent authority, from exercising its jurisdiction, uninfluenced by any observations recorded by this Court in any of its interim order which were passed only for ensuring timely action.

Needless to mention that in the event of any such petition being preferred by a person aggrieved before the competent authority, the same shall be decided expeditiously and in accordance with law after granting an opportunity of hearing to the respective parties.

It is further submitted by the learned counsel appearing for the petitioners that since they had approached this Court against the orders passed by the District Registrar whereby the Society was not being allowed to manage the funds for want of an elected Governing Body and since the election has already been held, hence, the foundation of the said order ceases to exist. Hence, the newly elected governing body should be allowed to operate the accounts and manage the funds.

Learned Senior counsel appearing on behalf of the respondent raises an objection that the petitioners are the persons who were committing embezzlement of the funds and that they should not be allowed to operate the finances of the Society as the complaint for carrying out the investigations into the financial irregularities committed by them has been submitted by them.

Having noticed the contentions raised by the respective parties and taking into consideration that the order of the District Registrar of Societies restraining the erstwhile management of the Society from carrying

out financial management of the funds of the Society was passed only on account of absence of a newly elected Governing body and the same having now already been elected, I do not find any reason as to why an elected Governing Body be not allowed to operate the said accounts. Further, so far as objections of the respondents are concerned, since liberty has already been granted to the persons aggrieved i.e. the respondents, to raise challenge against the elected Governing Body and to pursue their remedies before the competent authority, in accordance with law, there is no necessity to continue the order of restraint against the elected Governing Body to run its management any further.

The present writ petition is accordingly disposed of at this stage. The order of District Registrar of Societies restraining the elected body of the Society from operating and managing the finances is set aside. The newly inducted body, subject to final outcome/interim orders passed, if any, by the competent authority in furtherance to a challenge to the election conducted by the Returning officer, would be permitted to operate the same.

Needless to mention that the newly elected Governing Body shall maintain the appropriate accounts as per the mandate of law and shall regularly submit the same to the District Registrar for scrutiny.

CM-4133-CWP-2024

Since the main case itself has been disposed of, the present application seeking recalling of the order dated 12.02.2024 is disposed of as not pressed.

Pending, misc. application(s), if any shall also stand(s)
disposed of accordingly.

April 22, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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