

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

245

CWP-6720-2022 (O&M)
Date of Decision: 30.01.2024

AVR EDUCATIONAL SOCIETY (REGD.)

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Pardeep Kumar Rapria, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. M.K. Taya, Advocate
for respondents No.6 to 8, 10 &11.

VINOD S. BHARDWAJ, J. (ORAL)

Even though a challenge in the present petition was to the order dated 15.03.2022 passed by the District Registrar of Societies, which was affirmed by the State Registrar of Societies, Haryana, whereby an Administrator has been appointed to manage the day to day affairs of the petitioner society and to conduct election of the petitioner society alongwith seeking validation of the election to the post of President of the Society held on 13.01.2022, however, during the course of the arguments, learned counsel for the petitioner contends that he would confine his prayer only to the extent that the Administrator, appointed by the State Registrar of Societies, Haryana vide order dated 15.03.2022, may be directed to initiate and complete the election process of the petitioner society in a time bound manner.

Counsel for the respondents, however, contend that District Registrar had directed the Inquiry Officer to conduct an inquiry into the illegalities, vide his order dated 08.12.2021, and one Shri Rajiv Nakra, S.E. (Retired) had been appointed as Inquiry Officer to inquire into dishonest means and wrong practices adopted in the functioning of the petitioner society since its registration, especially in the matter of membership of the society by Mr. Vijay Singh Kataria and to submit his report within 45 days. The needful has not been done by the Inquiry Officer.

Parties, however, do not dispute that notwithstanding the order of the appointment of Inquiry Officer in December 2021 with a mandate to complete the inquiry within 45 days, needful has not been done and no decision has been taken thereupon till date. Counsel for the parties further agree that they would have no objection to the holding of elections, if required, and completion of the inquiry proceedings by the respondent officials in a time bound manner.

In view of the aforesaid statement made by the counsel for the respective parties, the present petition is disposed of with their consent and without commenting on the merits of the present case, with a direction to the respondents i.e. the Inquiry Officer as well as the District Registrar, Firms and Societies, to ensure that inquiry as entrusted vide order dated 08.12.2021 is completed on or before 01.03.2024, if already not completed and submitted. In the event of such inquiry having been completed and report submitted (or if the report is to be submitted), the respondents-Authorities shall take a final decision as regards validity of the election of the Governing Body of the petitioner society within a period of 45 days of the receipt of certified copy of this order

or a period of 45 days from submission of the Enquiry Report, if not already submitted.

Further, in case the Authorities come to a conclusion that the election of the Governing Body was marred by dishonest means and wrong practices, and a decision is taken by the respondent-District Registrar, Firms and Societies against the election held, the Administrator shall ensure that expeditious steps are taken for conducting the elections afresh and conclude the same within a period of three months thereafter.

The aforesaid directions are subject to any other order of injunction/restraint, if any, that may have been passed by any Competent Authority.

Disposed of accordingly.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

JANUARY 30, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No