



CWP-6120 of 2023 (O&M)

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

CWP-6120 of 2023 (O&M)

Date of decision : December 12, 2024

Rajinder Singh Tanwar and others

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CWP-25139 of 2023 (O&M)

Kirpal Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CWP-19240 of 2024 (O&M)

Dharampal

..... Petitioner

Versus

**District Registrar Firms and Societies Kurukshetra and
others**

..... Respondents

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

Present :-Mr. Vikram Rathore, Advocate
for the petitioner in CWP-6120-2023.

Mr. Akash Mehta, Advocate for the petitioner
in CWP-19240-2024.

Mr. P. P. Singh, Advocate and
Mr. Karan Singh, Advocate for the petitioner
in CWP-25139-2023.

Mr. Suneel Ranga, DAG., Haryana.

Mr. Naveen Jhajholia, Advocate,
for Mr. Sanjiv Gupta, Advocate, for the respondents
No.7 to 31 in CWP-6120-2023.

Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vishal Pundir, Advocate
Mr. Mukul Aggarwal, Advocate for respondent
Nos. 11, 15 and 17 in CWP-6120-2023.

Mr. Puneet Sharma, Advocate
for respondent No.12 to 14, 16,18 to 31 in CWP-6120-
2023.

VINOD S. BHARDWAJ, J (Oral)

1. The present writ petitions have been filed by various Founder members of the Kshatriya Sabha, Kurukshetra (hereinafter referred to as 'Sabha') impugning the orders dated 28.01.2022 passed by the District Registrar Firms and Societies, Kurukshetra and against the subsequent dismissal of the appeal by the State Registrar vide order dated 31.03.2022 as well as the Registrar General of Societies vide order dated 28.08.2022.

2. Before the commencement of the arguments in these cases, a preliminary objection was raised on behalf of the respondent that the appeal preferred by the Sabha, through the petitioner No.1, in Appeal No.1086 of 2022 had been dismissed by the State Registrar only on the ground that petitioner No.1 had instituted the said appeal for and on behalf of the 'Sabha' by claiming himself to be President thereof whereas the tenure of the governing body had already come to an end and there was no subsisting authorization/resolution in favour of the petitioner to institute any appeal on behalf of the Sabha or to represent the 'Sabha'. The operative part of the order reads as under:-

"3.1 The counsels for respondent Nos. 2, 3, 5 & 6 submitted separate applications dated 21/22.03.2022 praying that the present appeal be dismissed on the ground that the same has been filed without any Resolution/Authority and by an incompetent person. It is further submitted that the term of the President and Secretary of the Governing Body has

already expired in the month of January and Sh. Narinder Pal Mall HCS Sub Divisional Magistrate, Thanesar, has already been appointed as Administrator of the Society vide order dated 28.01.2022. It has also been submitted that the appellant has not impleaded the Administrator of the Kshatriya Sabha, Kurukshetra, as one of the party and the present appeal is liable to be dismissed on the ground of non-joinder of necessary parties.

3.2 The counsel for respondent No. 4 also submitted application dated 22.03.2022 praying for dismissal of the present appeal on the ground of maintainability. He submits that the term of Executive Body expired on 30.01.2022 and thereafter the appellant is no longer the President. He further submits that Sh. Narender Pal Singh Malik, HCS, Sub-Divisional Magistrate, Thanesar, has been appointed as Administrator of Kshatriya Sabha, Kurukshetra de order dated 28.01.2022 and the Administrator has not been impleaded as a party in the present appeal and the appeal is liable to be dismissed on ground of Non joinder of necessary parties.

3.3 The counsel for the appellant submits that the present appeal is maintainable in view of the provisions of Section 27 of the HRRS Act, 2012 as a Society sue or be sued in the name of the President, the Secretary or any office bearer authorized by the Governing Body In this behalf. He further submits that vide resolution passed on 30.11.2021 the President that the Secretary were authorized to file any Court case on behalf of the Society.

4. In view of the above submissions made by counsel for the appellant and respondents and without going into the merits of the case, the present appeal is dismissed being not maintainable as the tenure of the Governing Body of the Society has already been expired on 30.01.2022 and the appellant has filed the present appeal on 08.02.2022 claiming himself as President of the Society. Thus, all the abovesaid applications are allowed and appeal is dismissed in above terms."

3. It is submitted from reference to the above that the appeal having been dismissed on the ground of maintainability for want of authorization in favour of the petitioner (s). The above said order of the State Registrar of Societies was eventually affirmed by the Registrar General of the Societies, Haryana as well.

4. The petitioners have thereafter approached this Court, in their individual capacities, impugning the above said decision, however, learned counsel do not dispute that as on the date, when the appeal was preferred, their tenure as elected members of the governing body had already come to an end and that the petitioners had never preferred any appeal against the order passed by the District Registrar of Societies in their personal capacity.

5. Learned counsel for the petitioner (s) contend that they may be granted liberty to take recourse to appropriate remedies against the order passed by the District Registrar of

Societies, Kurukshetra by way of filing of appropriate petition before the State Registrar of Societies under the Haryana Registration and Regulation of Societies Act, 2012 and be permitted to raise all legal and factual objections/ challenges to the order passed by the District Registrar on different representations/petitions preferred by the petitioners, as per law.

6. Learned counsel for the respondents had no objection to the same.
7. The present writ petitions are hence disposed of as withdrawn with liberty to the petitioners to take recourse of the alternative remedies available to them under the Haryana Registration and Regulation of Societies Act, 2012 against the order of District Registrar of Societies dated 28.01.2022.
8. Both the parties shall be at liberty to take all objections/pleas before the competent authority.
9. Needless to mention that in the event of such an appeal being preferred before the State Registrar, an expeditious decision shall be taken thereon.
10. All the misc. Applications, if any, shall also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

December 12, 2024
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Whether speaking/reasoned
Whether Reportable :Yes/No
Yes/No