

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.088346-DB



(114)

LPA No.1324 of 2024(O&M)
Decided on : 16.07.2024

Hindustan Scouts & Guides Association, HaryanaAppellant(s)

Versus

State of Haryana and othersRespondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE RITU TAGORE

Present: Mr. Narender Singh, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

CM-3163&3164-LPA-2024

Applications for condonation of delay of 12 days in re-filing and 25 days in filing the appeal are allowed, in view of the averments made in the applications, duly supported by affidavit. Delay of 12 days in re-filing and 25 days in filing the appeal is condoned.

CMs stand disposed of.

LPA No.1324 of 2024(O&M)

1. The present letters patent appeal is directed against the order of the learned Single Judge dated 15.02.2024 passed by the learned Single Judge, whereby two writ petitions bearing CWP Nos.21180 of 2021 and 20735 of 2022 were disposed of by relegating the writ petitioners to the alternate remedy. The present appeal arises out of the first writ petition.

2. Vide the said order, the learned Single Judge came to the conclusion that if the writ petitioner has any dispute with respect to the eligibility of respondent No.5 for allotment of any funds, same would be questions of fact and the Court was not inclined to go into the same, since evidence was required to be led as to whether there was misappropriation of funds or not. Resultantly, it was held that no further directions can be issued and parties would be at liberty to pursue their alternative remedies in accordance with law for seeking redressal of their grievances. It was noticed that different balance sheets, appropriations papers had been furnished by the respondent-Society and admissibility of both the documents are yet to be ascertained. Liberty was, accordingly, given to move an appropriate application for conducting an inquiry into the financial irregularities and affairs of respondent-Association under the provision of the Haryana Registration and Regulation of Societies Act, 2012. Further directions were also issued that the same be done within a period of 5 months after hearing both the petitioner and respondent No.5 and the State Unit and the necessary party in case such a petition is filed.

3. It is pertinent to notice that at one point of time a Committee had been constituted by appointing Justice R.K. Nehru (Retired) as Chairman alongwith two members as such. The Committee was of the view that it was not equipped to the understanding of the sanctionability with regard to the allowed expenditure and utilization certificates and it is an admitted fact that the Association has neither objected to the utilization certificates as pertaining to the period preceding the dispute. Thus, a finding was recorded by the learned Single Judge that respondent No.5-Association was earlier closely affiliated and associated with the parent body and seemed to have segregated itself and got itself enrolled as a new entity under the 2012 Act, whereby the

State of Haryana proceeded to release funds to the respondent No.5- Association after recognizing the same for carrying out activities. It was also noticed that a similar petition had also been dismissed by the Delhi High Court in Writ Petition (Civil) No.6243 of 2018 on 05.09.2018 and the learned Single Judge declined to interfere since intricate and disputed questions of fact were involved.

4. The law is settled on the issue of alternate remedy that where there are disputed questions of facts the Writ Court will not go into the same. It has also been observed that where there is alternate and efficacious remedy is available, the Writ Court will not decide the issue. Reliance can be placed upon the judgment of the Apex Court passed in **United Bank of India Vs. Satyawati Tondon and others, (2010)8 SCC 110** wherein following observations have been made:-

“30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether :

- (a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;
- (b) the petition reveals all material facts;
- (c) the petitioner has any alternative or elective remedy for the resolution of the dispute;
- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;
- (e) ex facie barred by any laws of limitation;
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

5. Keeping in view the above, we are of the considered opinion that the view taken by the learned Single Judge does not suffer from any infirmity or illegality and the attempt made by the counsel for the appellant to take us into the thicket of financial disputes cannot be accepted. Resultantly, we do not feel that it is a fit case to entertain the present letters patent appeal and

same is hereby dismissed in *limine*. All pending civil miscellaneous application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

16.07.2024
Naveen

(RITU TAGORE)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No