

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229+275

CWP-15416-2021 (O&M)
Date of decision: 18.04.2024

SAVITARI SIHAG AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

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

Present:- Mr. Arun Kumar Goyat, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 4.

None for respondents No.5 and 6.

VINOD S. BHARDWAJ, J. (Oral)

CM-5059-CWP-2024

The instant application has been filed under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 for impleading the applicants as petitioners.

For the reasons mentioned in the application, the same is allowed and the applicants as mentioned in para 3 of the application are impleaded as petitioners.

Amended Memo of Parties is taken on record.

Registry is directed to tag the same at appropriate place.

CM-5060-CWP-2024

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and share certificates of Divya Jyoti Society are taken on record as Annexure P-12.

MAIN CASE

1. A three fold prayer has been made in the present writ petition. Firstly for directing the respondents to conduct elections of the governing body of the Divya Jyoti Society registered vide No. 00033 dated 06.12.2012; secondly, for issuance of directions to the respondents to provide the record of the Society to the members and thirdly, for the directions to the respondents to conduct enquiry/investigation to dig out the embezzlement of crores of rupees alleged to have been conducted by the earlier governing body of the Society.

2. Learned counsel appearing on behalf of the respondent-State contends that in so far as the first prayer as regards to conduct election is concerned, the same has already been rendered infructuous and elections of the Society have already been held and a governing body has been elected. He submits that a reply in this regard was filed by the respondents on 27.07.2023 to the effect that an approved electing governing body is already in place since 27.01.2023. Insofar as the other two prayers as regards the supply of information sought for and the enquiry into the financial irregularities, is alleged by the petitioners are concerned, the said issues are not required to be gone into by this Court at this juncture.

3. The provisions of the Haryana Registration & Regulation of Society Act, 2012 specifically empower the District Registrar of Societies to look into a complaint, if any, filed by a member of the Society for supply of information and to conduct enquiry into allegations of misappropriation/embezzlement of funds. Even though the State Counsel has stated that the requisite record has not been supplied by the Society to them, however, I find that the above said stand of the respondents is unacceptable. As an authority under the statute, the respondent No. 4 cannot plead helplessness. He is mandated to pass appropriate orders in accordance with law on receipt of such complaint as well as to inquire into the same.

4. Learned counsel for the petitioner thereafter raised a parting argument that the conduct of election by the respondents is unlawful as only 18 members had been invited by the respondents in the said election process, however, he does not dispute that no such petition raising a challenge to the election has been filed before this Court notwithstanding that the reply had been filed by the respondent in July, 2023 and a period of nearly 09 months has elapsed since then. In any case, the questions as regards to the dismemberment or deprivation of any rights of member or grievance, if any, against an election conducted by the Administrator can also be raised in the form of an election dispute before the competent authorities under the Haryana Registration & Regulation of Society Act, 2012, as per law.

5. The present writ petition is accordingly disposed of at this stage with liberty to the petitioner to file appropriate petition(s) before

the competent authority espousing his grievance and that in the event of such petition(s) being filed, the District Registrar of Societies, Panchkula shall take an expeditious decision thereupon in accordance with mandate of the the Haryana Registration & Regulation of Society Act, 2012, in a time bound manner and after affording of an opportunity of hearing to the respective parties.

6. Nothing stated herein above should be construed as any expression on the merit or maintainability of the case or any subsequent proceeding that may be filed.

7. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 18, 2024
Vishal sharma

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