

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

111

2024.PHHC:079052-DB



CWP-13862-2024

Date of Decision: 31.05.2024

Sanjay Gupta

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sanjay Gupta, petitioner-in-person.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The principal grievance as such of the petitioner seems to be the order dated 01.04.2024 (Annexure P-3) passed by the District Registrar, Firms and Societies, Gurugram though the constitutional validity of Section 54 of the Haryana Registration and Regulation of Societies Act, 2012 (in short 'the Act') is under challenge. In the writ petition filed, it has been pleaded that there is no alternative and efficacious remedy available against the order of the District Registrar.

2. Apparently, under Section 79 of the Act, an appeal lies under with the Registrar against the order of the District Registrar and there is a further appeal provided against the order passed by the Registrar to the Registrar General.

Section 79 of the Act reads thus:-

“79. Appeals and review.-- (1) *An appeal against any orders passed by the District Registrar shall lie with the Registrar and the appeal against the orders passed by the Registrar shall lie with the Registrar General. The orders passed by the Registrar General in any such appeal shall be final and no further appeal shall be competent against his orders.*

(2) *Where an order originates from the Registrar General, an appeal against such order shall lie before the Government.*

(3) *Any appeal shall be filed within a period of sixty days of the date of issue of the impugned orders. The appellate authority may entertain an appeal beyond this period up to a maximum of another sixty days on sufficient grounds for condonation of delay being shown.*

(4) *Every appeal shall be accompanied with the fee as prescribed.*

(5) *The District Registrar, Registrar or the Registrar General may suo motu or on an application received in this behalf from any party that any order has been passed which is based on some erroneous facts or carries some patent error or suffers from some inadvertent mistakes, may review its order within ninety days of its passing with the prior permission of the next higher authority.”*

3. The law is settled regarding the alternative and efficacious remedy which is available. Reference can be made to the judgment of the Apex Court rendered in ***United Bank of India vs. Satyawati Tondon and others, (2010) 8 SCC 110.***

4. It is also pertinent to notice that the petitioner was a General Secretary of the office bearers of N-Block Residents Welfare Association, Mayfield Gardens, Sector 51, Gurugram. Vide resolution dated 15.03.2024, the said Association has been dissolved and the process of conducting fresh election is

an Administrator had been appointed by the District Registrar.

5. Keeping in view the peculiar facts and circumstances since the petitioner is a lone-ranger, we are of the considered opinion that it is not a fit case to examine the issue of the validity of the provisions, in the peculiar facts and circumstances.

6. However, keeping in view the above, the petitioner is granted liberty to avail his alternative statutory remedy before the Registrar, if he has any grievance regarding the impugned order.

7. Writ petition stands disposed of accordingly.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

31.05.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No