



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-24129-2024

Date of decision: 25.11.2024

PAL SINGH SANDHU

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. U.K. Agnihotri, Advocate with
Ms. Anshul Agnihotri, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 28.08.2024 passed by the Registrar General of Societies-cum-Director, Industries and Commerce, Haryana (respondent No.2) and the order dated 23.11.2023 passed by the State Registrar of Societies, Haryana (respondent No.3) and the order dated 22.09.2023 passed by District Registrar of Firms & Societies, Karnal (respondent No.4) and the petitioner has approached this Court seeking that the said orders and all consequential proceedings emanating therefrom be set aside.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner is an ex-member of the governing body of Jat Mahasabha,



which has been registered under the Haryana Registration and Regulation of Societies Act, 2012 (for short ‘the HRRS Act, 2012’) bearing registration No. HRKNL 01169 of 2014. He submits that the said Mahasabha had built a Dharamshala in Sector 12, Part-II, Urban Estate, Karnal after collecting donations from persons belonging to the Jat community and allotment of a plot measuring half an acre from the Haryana Shehri Vikas Pradhikaran. It is averred that as per the memorandum of association and bye laws of the respondent-Society, the eligibility conditions for membership have been provided. He contends that during the period from 2021-2023, the governing body of the Society inducted 582 new members illegally, who were not eligible to be members of the Society. The said inducted members did not belong to District Karnal and hence could not have voted in the election to the governing body of the society. Certain allegations were also levelled with respect to the mode and manner of submission of the fee by the said wrongly inducted members. He contends that certain members of the Society had raised objections to the illegal induction of members in the Society. He contends that prior to 30.11.2017, the Governing Body of the respondent-Society had also inducted 223 outside members (non-residents of District Karnal) and that such induction had been conducted solely to gain control of the management of the respondent No.5-Society. He contends that the petitioner submitted an application on 15.11.2023 to the respondents No.2 and 3 i.e. the Registrar General of Societies and State Registrar of Societies for taking appropriate action under Section 52, 53, 54, 55 (iii) and Rule 11 of the Act and the rules framed thereunder against the illegal induction of the members. Allegations were also levelled against the governing body for

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violation of the provisions of law. The said application was forwarded by the respondent No.2-the Registrar General of Societies to the District Registrar of Societies but no action was taken. The petitioner eventually approached this Court vide CWP-13263-2024 which was disposed of vide order dated 30.05.2024 directing the District Registrar, Karnal to conclude the pending enquiry within a period of four months of the receipt of certified copy of the said order.

3. He further contends that as the term of the erstwhile governing body was to expire on 29.11.2023, the President/General Secretary of the respondent No.5-Society issued an election notice dated 16.08.2023 and scheduled the programme of election of the Society to be held on 01.10.2023 and as per the said notice, a complaint regarding membership could be made to the District Registrar between 16.08.2023 to 31.08.2023. The election of the collegium was scheduled to be held on 01.10.2023 and thereafter the result was to be declared. The election notice was also published in the 'The Tribune' and 'Punjab Kesari' on 17.08.2023, without publishing any list of members, nor any such list was displayed on notice board. He further contends that the election was conducted in violation of the statutory provision of the HRRS Act, 2012 and the provisions as contained in the bye-laws. The petitioner accordingly filed a petition under Section 39 of the HRRS Act, 2012 on 29.08.2023 before the District Registrar of Societies. A prayer was also made to keep the election in abeyance and to appoint Administrators under Section 39 (x) to manage the affairs of the Society.

The said petition was dismissed by the District Registrar of Societies vide

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order dated 22.09.2023. Aggrieved thereof, the petitioner preferred an appeal before the State Registrar of Societies which was also dismissed by the State Registrar vide order dated 23.11.2023. Still aggrieved, an appeal was further preferred before the Registrar General of Societies which was also dismissed vide order dated 28.08.2024. All the above said three orders are now subject matter of challenge in the present writ petition.

4. Counsel for the petitioner has raised the following arguments:-

i) That the Governing Body of the Society had inducted certain members who did not belong to any of these zones of the collegiums, as had been so determined. They were thus not competent to cast their vote. He contends that the respondent-Society permitted the said persons to cast their vote notwithstanding that they did not fall in any of the zones/collegiums/blocks as had been identified in bye-law 11 read with bye law 12 about the constitution of the collegiums. It is contended that as the collegiums were to be determined on the basis of the residence, colony, village etc. of a member, hence, the members who did not belong to District Karnal or any of the said areas could not be permitted to cast vote.

ii) A second argument has been raised that there was no proper display and publication of the final list of the members permitted to cast their vote. The same was thus in violation of Section 39 of the HRRS Act, 2012. He further contends that the finding recorded by the authorities about the petitioner being in the knowledge of the list, which had been displayed on the notice board, was wrong and that there was no such publication by the respondents.



5. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present writ petition as well as the bye-laws of the Society.

6. As far as the argument that only the persons who are residents of District Karnal and/or in the respective zones could be the voters is concerned, I find that the said argument does not flow from a meaningful reading of the bye-laws. The eligibility condition for being a member of the Society was that a person should belong to Jat Community with a minimum age of 21 years or above and must have faith in the objects of the Society. He should not be insolvent or of unsound mind or convicted by any Court. An amount of Rs. 2100/- was to be deposited for a person to become a life time member of the Society. Bye-law 8 declares about the rights and duties of the members. As per bye-law 8(2) every member of the society is entitled to cast vote in case he is not in arrears/defaulters of the Society. Bye-law 11 talks about creation of five different zones/blocks for allocation of collegiums to different members. The said zones were further directed into different blocks of District Karnal. The argument of the Counsel for the petitioner is based upon the division of zones/blocks as per bye law 11 read with constitution of a collegium under Clause 12. His contention that the collegiums ought to be constituted on the basis of the residential locality of a particular person as indicated in the identity mark of the zones and he would not be entitled to vote if he does not reside in the said zone/block is directly in conflict with the right conferred upon a member under bye law 8 (2). The bye-laws of the Society do not debar a person, who is not a resident of



Karnal, to become a member of the Society. It also does not create any bar against such a member to cast a vote. In fact, a universal right has been conferred upon each member to cast a vote. Hence, the constitution of the Collegium and its zones/blocks is not to be read and interpreted as if the people who are not residents of the said zones will have no voting right but the same has to be harmoniously construed along with Bye Law 8 (2) and to give effect to all the provisions. Hence, the geographical classification of residence is only one of the desirable situations for a person to be brought within a particular collegium and the same cannot be interpreted to take away the voting right of a member that has been so provided to him under bye law 8 (2) of the Society. The indicating mark assigned to each collegium is not the basis for restricting a right to vote. The argument of the petitioner in fact denies and takes away a voting right that has been provided to a member by the virtue of bye-law 8 (2) of the respondent No. 5-Society. Denial of any right has to be express and it cannot be on the basis of a remote cascading inference from reading of some clauses in isolation. The bye-laws have to be seen as a whole and an interpretation has to be given to different clauses to make them all workable.

7. So far, as the argument of the petitioner that there was no publication of the list of members is concerned, the said aspect has been duly taken into consideration by the District Registrar of Firms and Societies, Karnal in his order. It has been specifically observed by the District Registrar in his order that the petitioner had admitted in the petition that the voter list was displayed on the notice board of the said sabha and

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had also made a reference to Clause 14 (4) of the bye-laws of the said society. An argument which is now being sought to be raised by the petitioner is about the membership and vote. He contends that there may be various members who may be the defaulters of the Society and thus may not be entitled to cast a vote, however, he has not attached any single document to show that any person who had been permitted to cast a vote was otherwise not eligible. Hence, the argument itself is based on conjecture and is not based on any cogent evidence adduced by the petitioner. It was also noticed by the District Registrar that the petitioner also acknowledged about the news of the general meeting being published in the newspapers as well. There was no mandate that the entire voter list ought to be published in the newspaper and that the same was duly displayed on the notice board of the Society on 16.08.2023. In the appeal preferred before the State Registrar of the Societies, Haryana, the said factual finding was reiterated. It was recorded by the State Registrar that the petition was filed on a wrong interpretation of Section 39 (3) of the HRRS Act, 2012 and that the list of the members/collegiums was duly published and displayed on the notice board of the society in Sector 12, Karnal. All members were also notified that they could obtain the copy of the members/collegiums by depositing the cost @ Rs. 2/- per page. The publication of the entire voter list has been wrongly interpreted by the petitioner. The said interpretation is based upon a reading and reliance on Section 2 (vvvix) of the Act whereas no such Section exists under the HRRS Act, 2012. It was also noticed by the State Registrar that the election of the collegiums was fixed on 01.10.2023 and that of the Governing Body was fixed on 26.11.2023.



8. The third authority i.e the Registrar General of Societies, Haryana reiterated the same findings and also recorded that final election to the governing body had also been held in the meanwhile and that the newly elected governing body had taken over management and control of the Society. The operative part of the observations recorded by the Registrar General of Societies is extracted as under:-

“4. After hearing the arguments and written submissions made by the parties, from the perusal of record available, bye-laws of the society and the provisions of HRRS Act, 2012 the following observations have been made: -

I. The appellant was aggrieved with display of eligible voter list of the society on the notice board of the society on the ground that the said list was not published in any newspaper as per the requirement of HRRS Act, 2012 and approached the District Registrar, Karnal by way of filing under Section 39 of the HRRS Act, 2012.

II. The District Registrar, Karnal has dismissed the petition of the appellant on 22.09.2023 on the ground that the list of eligible voter was published by the society on 16.08.2023 on the notice board of the society and the appellant may get the copy of the same by depositing the prescribed fee. The appeal filed by the appellant was also dismissed by the Ld. State Registrar of Societies, Haryana vide order dated 23.11.2023.

III. Section 39 (3) of the Haryana Registration and Regulation of Societies Act, 2012 deals with



publication of voter list, which is reproduced as under:-

"39(3). On the day the elections of a Society are notified, the Governing Body or the adhoc body or the Administrator, as the case may be, shall publish the list of members entitled to vote. Such list of members shall be made available to a member on demand, on payment of such fee, as may be prescribed by the Society in its Bye-laws".

IV. The appellant has admitted that the voter list was displayed on the notice board of the society on 16.08.2023. Publishing the list of eligible voters by way of displaying the same on the notice board of the society is sufficient for the purpose of compliance of Section 39(3) of the HRRS Act, 2012. Publication of voter list in news paper is not required as per the provisions of the IHRRS Act, 2012.

In view of the above, I am of the considered view that the Ld. State Registrar of Societies, Haryana and the District Registrar, Karnal has rightly passed order dated 23.11.2023 and 22.09.2023, respectively with cogent reasons. I found no reason to interfere in order dated 23.11.2023 passed by the State Registrar of Societies, Haryana and order dated 22.09.2023 passed by the District Registrar, Karnal. The present appeal is hereby dismissed being devoid of any merit. The pending applications, if any, stands dismissed.

Order be communicated to all the concerned."



9. The respondent-authorities have reiterated the factual aspects. The election notice dated 16.08.2023 itself mentions that the details of the members have already been published on the notice board and that any person could obtain a copy of the list of members by depositing a fee of Rs. 2/- per page. The public notice about the elections was also published in the newspapers for the information of all. The petitioner has also failed to point out any list of ineligible persons who were permitted to cast the vote. The sole argument advanced by the petitioner is that the members who do not belong to District Karnal would not be entitled to cast a vote, however, for the reasons already mentioned above, the said argument is devoid of merit and is not based upon the meaningful reading of the bye-laws and the provisions of the Act, 2012 and the rules framed thereunder.

10. Finding no illegality, impropriety and perversity in the orders passed by the authorities above, the present writ petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 25, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No