

2024:PHHC:147873



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-30587-2024

Date of decision: 13.11.2024

INDIAN MEDICAL ASSOCIATION, HARYANA BRANCH AND
ANOTHER

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Pawan Kumar Mutneja, Senior Advocate with
Ms. Suverna Mutneja, Advocate and
Mr. Brijesh Kumar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated
04.11.2024 (Annexure P-29) passed by the District Registrar, Firms and
Societies, Rohtak.

2. Learned Senior Counsel appearing on behalf of the petitioner
contends that the District Registrar of Firms and Societies, Rohtak has
transgressed his jurisdiction and appointed an *ad-hoc* Committee/
Administrator of the petitioner-Association by recording a finding that the
election to the governing body has not been held. He submits that the said
finding is factually incorrect since election to the governing body had been held

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earlier and that the same was a subject matter of challenge by a person who has already been suspended. The consequential proceedings initiated at the behest of the suspended member are pending adjudication before this Court in CWP-21707-2024 wherein the order passed by the Registrar General of Societies dated 09.08.2024 was ordered to be stayed and questions with respect to maintainability of the application/challenge to an elected governing body of an Association at the behest of a suspended member had been formulated amongst different issues. It is contended that notwithstanding the pendency of the said writ petition as well as the issues that are to be redressed, the District Registrar of Societies, Rohtak has not only reinstated the suspended member but has also by necessary implication held that the election to the governing body of the petitioner association was invalid.

3 On being confronted that the order passed by the District Registrar of Firms and Societies, Rohtak would be amenable to challenge before the State Registrar of Societies, learned Counsel for the petitioner does not dispute the availability of the said remedy but contends that the passing of the order is totally illegal and in gross disregard to the interim order passed by this Court and that his rights are likely to be severely prejudiced. He contends that an interim protection may be extended to the petitioner so as to take recourse to the alternative remedies that are available to him in accordance with law.

4. Having heard learned Senior Counsel for the petitioner and for the order which this Court proposes to pass, formal notice to the respondent would not be necessary. The present writ petition is disposed of as withdrawn at this stage with liberty to the petitioner-Association to file an appeal before the

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statutory authority under the Haryana Registration & Regulation of Societies Act, 2012. The operation of the impugned order dated 04.11.2024 shall remain stayed till the first hearing of the appeal so instituted or for a period of three weeks from today, whichever is earlier.

(VINOD S. BHARDWAJ)

JUDGE

NOVEMBER 13, 2024

Vishal Sharma

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