



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

CWP-6078-2025

Date of Decision : **10.03.2025**

TEK RAM AND ORHERS

.....Petitioners

VERSUS

THE REGISTRAR GENERAL OF SOCIETIES AND OTHERS

.....Respondents

CWP-6083-2025

SURESH DALAL AND ANOTHER

.....Petitioners

VERSUS

THE REGISTRAR GENERAL OF SOCIETIES AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vijay Kumar Jindal, Sr. Advocate with
Mr. Akshay Jindal, Advocate and
Mr. Raghav Agnihotri, Advocate,
for the petitioners in CWP-6078-2025

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Ashwani Talwar, Advocate and
Ms. Sunidhi Gupta, Advocate,
for the petitioners in CWP-6083-2025.

Mr. Vaibhav Narang, Advocate
for respondents no.5 to 8 CWP-6083-2025.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Both the petitions are amenable to be decided together, as a common order dated 17.02.2025, is under challenged therein, therefore, same are being taken up together for their adjudication.

2. The grievance, which encapsulated in the instant writ petition filed under Article 226/227 of the Constitution of India, is the order dated 17.02.2025 (Annexure P-20), passed by the Registrar General of Societies, wherethrough, it was concluded that the 11 new members who were inducted in the society on 13.06.2023, are not inducted in consonance with the bye-laws of the society, as the governing body was not in existence as on that date.

3. Learned counsel, who caused appearance on behalf of respondents no.5 to 8, addressed arguments on merits to the extent that even an FIR has been registered against 13 persons, including newly inducted 11 members, for forging the resolution, which became the basis for their inductment in the society.

4. Though both learned senior counsel appearing for the petitioners vociferously made an endeavour to establish before this Court, the existence of governing body on the day when the induction of aforesaid 11 new members was made, however, further the issue which raised before this Court is of non-adhering to the doctrine of *audi alteram partem*. It is also pleaded before this Court that the impugned order (*supra*) has been passed in gross violation of the principle of natural justice, therefore, it requires interference by this Court.

5. What is most appreciable, is the fair admission on the part of the learned counsel who was appearing for private respondents no.5 to 8, to the effect that indeed the present petitioners, who were affected with the above impugned order, were neither a party nor given a chance to be heard before the authority concerned. He further submits that the legality of the impugned order (*supra*), may not be gone into by this Court at this stage, as all the parties concerned, are *ad idem* that this requires reconsideration by the Registrar General of the Societies.

6. Considering the concurrence as given by all the parties to the instant *lis*, without bothering to evaluate the legality of the impugned order (*supra*), on the issue raised this Court deems it apt to set aside the impugned order (*supra*), and to relegate the petitioners to the authority concerned.

7. Upon approaching the authority concerned, the latter concerned after giving an adequate opportunity of hearing to the petitioners as well as other members who are not before this Court, shall pass an order as per the merits of the matter.

8. The above exercise shall be carried out by the authority concerned, within a period of 06 weeks from today. In the meanwhile, all consequential proceedings arising out of the impugned order (*supra*), is ordered to be stayed, but till the decision taken by the Director General of Industries and Commerce-cum-Registrar General of Societies, Haryana.

9. It goes without saying that the elections which were already conducted on 02.01.2025, is also subject to the outcome of the order to be passed the Registrar General of the Societies, Haryana (respondent no.1).

10. **Disposed of** accordingly.

A photocopy of this order be placed on the file of the
connected case.

March 10, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :
Whether Reportable. :

Yes/No
Yes/No