

CWP-12709-2025

-1-

118

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

CWP-12709-2025

Date of Decision : **03.05.2025**

SANJEEV KUMAR

.....Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Dr. Rishi Pal Singh, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana.

KULDEEP TIWARI, J.(Oral)

1. The petitioner, at the first instance, filed a petition dated 09.04.2025 (Annexure P-10), before the District Registrar, Firms and Societies, Kurukshetra, under Sections 39(4)(5)(6)(7)(8) and 21 of the HRRS Act, 2012, to set aside the election schedule dated 02.04.2025 and for setting aside the resolution dated 01.01.2025, and all subsequent proceedings arising therefrom. The said petition was also accompanied with an application for stay of the election process of respondent-the Jogi Samaj Sabha.

2. However, the aforesaid petition, as well as stay application, has not been decided so far by the District Registrar concerned, which has caused grievance to the petitioner, and propelled him to approach this

**CWP-12709-2025****-2-**

Court through the instant writ petition filed under Article 226/227 of the Constitution of India, seeking a *mandamus* to be passed upon respondents no.4, to hear and decide the said appeal, and accompanied application of stay, as well as to set aside the resolution dated 01.01.2025, wherethrough, some of the members have been de-listed from the voter's list.

3. Learned counsel for the petitioner submits that the issue of removal of the present petitioner from the voter's list is required to be adjudicated before election process is finalised.

4. This Court has considered the submissions, as made by learned counsel for the petitioner, and has perused the entire case file.

5. It reflects from a perusal of the instant petition, that earlier the resolution dated 01.01.2025 (Annexure P-5), as passed by the society (respondent no.5), was unsuccessfully challenged by one Ganga Ram, and the same has attained finality upto the level of State Registrar, Firms and Societies. Further, even the petition preferred by said Ganga Ram, before this Court for passing a *mandamus* upon the State Registrar concerned, to decided his appeal before the election process is initiated, and was disposed of as having been rendered infructuous, vide order dated 01.05.2025 passed in CWP-10810-2025 (Annexure P-9), as the State Registrar, has already decided the issue. After dismissal of the petition (*supra*), the returning officer of The Jogi Samaj Sabha, Kurukshetra (respondent no.5), has initiated the election process, and the voting for the post of governing body, was fixed for dated 03.05.2025, i.e.

**CWP-12709-2025****-3-**

today itself, which was to be held between 8.00 a.m. to 4.00 p.m. Now, the petitioner has approached this Court with an intent to thwart the ongoing election process only on the premise that he wants adjudication on the legality of resolution dated 01.01.2025.

6. This Court does not find any merit in the prayer, as made by learned counsel for the petitioner, seeking stay of the election process, as the basic intent of filing the instant petition, is to thwart the election process. It is also not under dispute that the petitioner is not contesting any elections, therefore, learned counsel for the petitioner is not even able to point out any prejudice to be caused to him. Further, the elections are already in process, as the same was to be held today itself, and the voting would be completed by 4:00 p.m. today, and it is already 2:00 p.m. Therefore, this Court is not inclined to grant any stay with regard to the ongoing election.

7. Further, the legality of the resolution (*supra*), has already been tested, and has attained finality upto the State Registrar concerned, as discussed above, and there is nothing on record to dispel the above observation to the effect that the said order has ever been set aside by any superior authority/court.

8. However, so far as, the prayer made for issuance of a directions upon the District Registrar (respondent no.4), to decide the petition preferred by the petitioner in a time bound manner, is concerned, the same has some force.

**CWP-12709-2025**

9. Considering the aforesaid prayer, being innocuous and *bona fide*, this Court, directs the District Registrar, Firms and Societies, Kurukshetra (respondent no.4), to decide the petition, as well as stay application (Annexure-10) filed by the present petitioner, most expeditiously, preferably, within a period of 02 months from the date of passing of this order, after giving an adequate opportunities of hearing to the parties concerned.

10. **Disposed of** accordingly.

May 03, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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