

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

107

CWP-14223-2024 (O&M)

Date of Decision : July 17, 2025

**VISHNU PRABHA SHARMA, PRESIDENT,
V.R. EDUCATIONAL SOCIETY FOR EXCELLENCE**

-PETITIONER

V/S

**THE REGISTRAR FOR FIRMS AND SOCIETIES,
CHANDIGARH AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Parminder Kanwar, Advocate and
Mr. Rakesh Sobti, Advocate
for the respondent No.1- U.T. Chandigarh.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. Vardaan Seth, Advocate and
Ms. Seerat Saldi, Advocate
for the respondents No.5 to 8.

Dr. Pankaj Nanhera, Advocate with
Mr. Rahul Gautam, Advocate
for the applicant/Administrator.

KULDEEP TIWARI, J. (ORAL)

1. The prayer embodied in the instant writ petition appertains to issuance of directions upon the respondent No.1 to consider and act upon the petitioner's representation dated 28.05.2024. Moreover, the instant writ petition encloses a prayer for appointment of an Administrator during the pendency of proceedings before the respondent No.1, in order to facilitate smooth functioning of the school activities.

2. Before this Court proceeds to gauge the prayer(s) engendering

the instant writ petition, it is deemed imperative to initially make a studied survey of the representation dated 28.05.2024, so as to understand the petitioner's pointed grievance.

3. The petitioner, by placing reliance upon an inquiry report prepared by the office of Additional Deputy Commissioner, District Solan (H.P.), has sketched a request in the representation dated 28.05.2024 that, in order to facilitate the smooth functioning of the school, an Administrator be appointed as an interim measure, during pendency of the dispute between the parties.

4. At the very outset, this Court posed a specific query to the learned counsel for the petitioner: "Whether the District Registrar is bestowed with any statutory jurisdiction to appoint an Administrator to a registered Society", to which he fairly answered in the negative. He fairly concedes that, the apposite Act applicable to the Society concerned does not empower the District Registrar to appoint an Administrator.

5. Consequently, this Court does not have any occasion to pass a mandamus upon an authority to exercise the jurisdiction which, in fact, it is not at all bestowed with by the statute. Therefore, the prayer(s) made in the instant writ petition is, in fact, a misconceived prayer and the yearned for relief cannot be granted.

6. Although the instant writ petition deserves its being dismissed merely on above ground, however, the events penned down hereinafter give rise to another issue, which coax this Court to dive deep into the matter.

7. During pendency of the instant writ petition, the Co-ordinate Bench of this Court, vide order dated 23.07.2024, had directed the Registrar,

Firms and Societies, Chandigarh, to conduct a fact finding enquiry into the allegations/counter allegations raised in this writ petition and to submit its report, besides authorizing him to appoint/nominate any officer as the Receiver/Administrator to run the affairs and day to day functioning of the school as well as the society. Thereafter, the Co-ordinate Bench of this Court, with the consent of the parties, drew the order dated 23.08.2024, thereby appointing Mr. Inderjeet Mehta, District and Sessions Judge (Retd.), as Administrator to perform the duty of day to day functioning and sanctioning the expenses of the school and also to manage and operate the account of the school situated in Baddi, District Solan, Himachal Pradesh. The relevant portion of the order dated 23.08.2024 is reproduced hereunder:-

“...With the consent of the parties, the present applications are allowed and Mr. Inderjeet Mehta, District & Sessions Judge (Retd.), Mobile No. 94165-77277 is appointed as Administrator to perform the duty of day to day functioning and sanctioning the expenses of the school and also to manage and operate the Account of the School situated in Baddi, District Solan, Himachal Pradesh. The remuneration of Rs. 1,50,000/- per month alongwith Rs. 5,000/- per visit shall be paid to the Administrator as appointed today...”

8. In deference to the directions issued vide order dated 23.07.2024, the Registrar, Firms and Societies, Chandigarh, submitted the fact finding enquiry report. However, the petitioner, on whose request the *supra* report was called, filed objection thereof.

9. Since this Court is already of the view that, the instant writ petition is not maintainable and the issues canvassed herein deserve to be adjudicated only by the civil court concerned, hence now this Court is required to deal with the issue: *“Whether the Administrator shall be allowed*

to continue running and managing the day to day affairs of the school, or, he is required to hand over the management and charge thereof to the General Body of the Society concerned?”

10. The learned counsels for the parties joined to address arguments on this issue and this Court has also meticulously perused the fact finding enquiry report. There is no wrangle amongst the contesting litigants in respect of the following facts, which are essential for this Court to record any finding on the above framed issue.

11. Consequent upon the demise of Sh. R.D. Sharma, President of the Society concerned on 11.06.2021, a Special General Body meeting was convened on 21.06.2021 and new members were added:-

*“*1. S.D. Sharma*

2. V.P. Sharma

**3. Davinder Dutt Sharma*

4. Pooja Thakur

5. R.K. Gargesh

6. Angel Sharma

7. Anil Bhargava

8. Chetan Sharma

**9. Radha Sharma*

“Note: ‘’ New members”*

12. Furthermore, as per the Minutes of Special General Body meeting held on 21.06.2021, it was Dr. Vishnu Prabha Sharma, President of V.R. Educational Society for Excellence (petitioner), who proposed the names of Sh. Davinder Dutt Sharma, Sh. Sambhu Dutt Sharma, IAS (Retd.), and Smt. Radha Sharma to be included as members of the Society concerned.

13. Thereafter, in the meeting held on 23.06.2021, a new Governing Body was constituted from amongst the General Body Members,

which is as under:-

- “1. Vishnu Prabha Sharma, President*
- 2. Dr. R.K. Gargesh, Vice President*
- 3. Sh. Davinder Dutt Sharma, General Secretary*
- 4. Sh. Angel Sharma, Legal Adviser*
- 5. Ms. Pooja Thakur, Joint Secretary*
- 6. Sh. Chetan Sharma, Executive Member*
- 7. Smt. Radha Sharma, Executive Member”*

14. Subsequently, vide Resolution dated 23.08.2022, it was resolved that, the bank of the society/school would be operated under the joint signatures of two signatories, out of three members namely, Sh. D.D. Sharma, Smt. Vishnu Prabha Sharma and Smt. Pooja Thakur, in accordance with the rules and regulations of the Society w.e.f. 26.09.2022.

15. With the coming of the new Governing Body, the list of the Governing Body was sent to the Registrar, Firms and Societies, Chandigarh, vide letter dated 20.02.2023, in compliance of Section 4 of the Societies Registration Act, 1860 (hereinafter referred to as the ‘Act of 1860’).

16. Subsequently a dispute erupted between the parties. The tenure of the Governing Body, as per bylaws of the Society concerned, was/is only two years. Therefore, for all the reasons, the tenure of the Governing Body had to come to an end on 22.06.2023. However, the Governing Body continued to function and passed various resolutions, including the resolution dated 28.10.2023, which the petitioner claims to be a forged and fictitious document.

17. The learned counsel for the petitioner even submits that, despite due intimation, the General Body constituted on 21.06.2021 has not yet been approved by the District Registrar, as per the requirements of the Act of 1860. He also argues that, even the resolution dated 14.03.2024,

whereby, some new members have been inducted in the Society concerned, has been passed by the Governing Body, whose term had already expired, hence the same is null and void.

18. Now, what is not under dispute before this Court is that, the General Body constituted on 21.06.2021, was constituted with the participation of the petitioner and the contesting respondent(s). Moreover, as per the mandate enclosed in the bylaws of the Society concerned, the tenure of the Governing Body has also expired. The new Governing Body has to be elected from amongst the General Body Members.

19. In view of the above background and circumstances, coupled with the fact that this Court has already held the instant writ petition to be non maintainable, the issue framed by this Court in paragraph No.9 of this verdict is answered as follows:-

(a) The Administrator appointed by the Co-ordinate Bench of this Court shall continue to manage the day to day affairs of the school. However, in case, the General Body elects a new Governing Body, the Administrator shall forthwith handover the charge and management of the school to the newly elected Governing Body;

(b) The petitioner is at liberty to raise the disputes, as raised before this Court, including the dispute appertaining to legality of constitution of the General Body on 21.06.2021, by approaching the Civil Court concerned;

(c) The respondent(s) are also at liberty to get their dispute, as raised in CWP-16809-2024, adjudicated by approaching the Civil Court concerned.

20. Disposed of accordingly.

21. Insofar as the applications moved by the applicant/Administrator are concerned, which appertain to grant of permission to purchase certain articles, let this decision be taken by the newly elected Governing Body. However, in case, there is any inordinate delay in electing new Governing Body, the Administrator can approach this Court by filing a fresh application. These applications are also disposed of accordingly.

July 17, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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