



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 28.05.2025

(i) CWP-25084-2024 (O&M)

Salil Barar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

(ii) CWP-29016-2024 (O&M)

Salil Barar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.Gaurav Chopra, Sr. Advocate with
Mr. Parvez Chugh, Advocate,
Mr. Anjaneya Mishra, Advocate and
Ms. Gauri C. Kaushal, Advocate
for the petitioners in both the petitions.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Puneet Bhushan, Advocate and
Mr. Vaibhav Narang, Advocate
for respondent No.6 in **CWP-25084-2024**.

Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate and
Mr. Ankur Mehta, Advocate
for respondents No. 3 to 5 in **CWP-29016-2024**.

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

KULDEEP TIWARI, J.(oral)

1. The amenability of both these writ petitions for being decided



through a common verdict generates from theirs enclosing common issue(s) and identical facts, besides generating from the parties therein being common.

2. Through the instant petition challenge is thrown to the orders dated 15.07.2024, 09.08.2024 and 09.09.2024, as passed by District Registrar of Societies, Faridabad emanating out of petition titled **Gulshan Kumar Mehta vs. Salil Barar & others.**

3. In these petitions, the issue which is primarily raised is with regard to the directions, which were passed for conducting inquiry about the embezzlement and appointment of an inquiry officer.

4. There is no wrangle about the fact that the orders (*supra*), had been assailed by filing the statutory appeal before the District Registrar concerned. However, the dispute regarding the election of the Society is challenged before this Court. The petitioner opted to file these petitions before this Court, which according to this Court, are a misconceived motion, as the remedy which is prescribed under the statute, is a statutory remedy and not an alternate remedy, and the same has not been availed by the petitioner.

5. Considering the above legal propositions, learned senior counsel for the petitioners submits that they may be relegated to the authority concerned, for redressal of their grievance.

6. So far as CWP No. 29016 of 2024, is concerned, in that petition reference passed by District Registrar dated 09.08.2024, whereby Election petition was referred to the State Registrar for its adjudication, and further order dated 14.10.2024, as passed by State Registrar, whereby, elections



were set aside, are challenged by invoking a writ of *certiorari*.

7. In the similar way the order passed by the State Registrar, can be assailed, by filing a statutory appeal before the Registrar General. In this case as well, the petitioner has laid challenge to the said order of State Registrar, considering that the order is *per se* illegal on the ground that it is passed without adhering to the mandate of Section 40 of the Act, and a non-speaking order, and even the election for the post *ab initio*, which even not contested, rendered the order to be illegal, null and void.

8. This Court has considered the submissions made by learned senior counsel for the petitioners, and find that all the aforesaid issues, which are raised by filing the instant petitions, can be well agitated before the statutory Appellate Authority. Therefore, the petitioners are relegated to approach before Registrar General.

9. In case the petitioner prefers an apt motion before the Registrar General, within ten days from passing of this order,, the latter shall make all its endeavour to decide the same within two months thereafter. Further, the Co-ordinate Bench of this Court vide order dated 25.10.2024, had passed an order of *status quo*, to be maintained on the day, when it was passed. The interim direction (*supra*), as passed by the Co-ordinate Bench of this Court, shall remain in force till the final decision is taken by the Registrar General. In case, the appeal is not decided within the stipulated time period framed by this Court, any of the party is at liberty for filing an apt application for revival of the instant petition before this Court.

10. In case, the petition(s) are preferred with an application for condonation of delay, as occurred on account of filing writ petition before



this Court, and as well as the other reasons, the authority concerned shall decide, any such application in accordance with law, however, most sympathetically, considering the fact that the petitioners have approached this Court, at first instance.

11. Mr. Rajesh Gaur, Addl. A.G., Haryana, who is representing the Registrar General -respondent No. 5, undertakes to inform the order passed by this Court, for the latter to make compliance of the order in letter and spirit.

12. All pending applications, if any, stands disposed of.

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

28.05.2025

Satyawan

(KULDEEP TIWARI)
JUDGE

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