

2025:PHHC:101783-DB



LPA-3409-2024

-1-

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

LPA-3409-2024

Date of Decision: 07.08.2025

PAL SINGH SANDHU

... APPELLANT

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. U.K.Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate,
for the appellant.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal arises out of an order passed by the learned Single Judge on 25.11.2024 in CWP-24129-2024, whereby, the challenge laid to the orders passed by the authorities under the Haryana Registration and Regulation of Societies Act, 2012 (for short 'the Act') in respect of the affairs of the society known as 'Jat Mahasabha, Karnal', have been rejected.

2. The appellant claims to be a member of the society and has essentially objected to the membership of the society being offered to certain persons who are not residents of Karnal. The appellant had objected to the notices issued by the authorities in terms of the bye-law initiating the process of election. The primary submission of the appellant was that only those who were residents of Karnal had the right to vote in terms of the by-laws and, therefore, list of members, finalized by the society for

**LPA-3409-2024****-2-**

participating in the election, was illegal. The provisions of the by-laws have been meticulously examined by the authorities and learned Single Judge to come to the conclusion that the objection of the appellant had no substance. Thus aggrieved, the appellant has filed the present appeal.

3. We have heard learned counsel for the appellant.

4. Learned counsel for the appellant has invited our attention to the provisions of the by-laws, wherein, the society is shown to be a non-financial institution with its area of operation limited to district Karnal. Our attention is also invited to Clause 11 of the by-laws which specifies that District Karnal would be divided into five different blocks. By referring to Clause 12 of the by-laws, an attempt is made to contend that only those who are residents of one of these blocks alone would be entitled to vote. It is this objection of the appellant which has consistently been rejected.

5. A perusal of the by-laws would indicate that the membership of the society would be open only to a person who belongs to Jat Community and is above 21 years of age. The other requirement is that he should be having faith in the objects of the Society; he should not be insolvent and of unsound mind; he should not be convicted by any Court and he has deposited membership fee of Rs.2,100/- through check and bank draft. Clause 5 dealing with the membership does not restrict the membership only to a resident of district Karnal.

6. Area of operation of the society although is shown to be limited to district Karnal but when it comes to membership of the Society, there is no such restriction. The authorities and the learned Single Judge have,

**LPA-3409-2024****-3-**

therefore, opined that the membership ones is not restricted to residents of Karnal, the restriction sought to be read out from the provisions by the appellant limiting the right of vote only to a resident of Karnal, is not culled out from the provisions of the by-laws.

7. The objection is also raised on the ground that the provisions of Section 39 of the Act which are with regard to resolution of dispute of election and settlement have not been followed. This is so, as the contention is that publication in terms of Section 39 (3) read with Section 2 (19) of the Act has not been made.

8. We have examined the contentions urged on behalf of the appellants.

9. So far as limiting the right to vote only to residents of Karnal is concerned, we are not persuaded to accept the submissions advanced on behalf of the appellants, once, it is shown that the membership of the Society is not limited to the residents of Karnal. Ordinarily the right to vote would be available to all members. No contrary stipulation in the by-laws is shown to be exist. Merely because Clause 12 refers to creation of zones for district Karnal or that its area of operation is limited to Karnal, it would not lead to an inescapable conclusion that only residents of Karnal have the right to vote.

10. Coming to the allegations with regard to violation of the provisions of Section 39 of the Act, we are not inclined to entertain such challenge inasmuch as it is undisputed that elections have been carried out



LPA-3409-2024

-4-

and a new electoral body has come into existence. The remedy for challenging the election proceedings lies elsewhere under the act.

11. The orders under challenge before the learned Single Judge do not emanate from any adjudication relating to dispute of election. In such case, we are not required to examine the contention of the appellant with regard to alleged violation of provisions of Section 39 of the Act, which is with regard to conduct of election.

12. In such view of the matter, this Court finds no merit in the present appeal and the same is accordingly dismissed.

13. All pending miscellaneous application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

07.08.2025

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