

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

Sr.No.202

Civil Writ Petition No.9679 of 2021

Date of Decision: 31st May, 2021.

Surjeet Singh

...Petitioner

Versus

Registrar General of Societies Haryana & Others

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Vivek Singla Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana,
for respondents No.1 to 3.

Mr. Vaibhav Narang, Advocate,
for respondent No.4.

* * * *

MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, the petitioner seeks the indulgence of this Court for the issuance of a writ in the nature of mandamus directing the respondents to decide Appeal No.421 of 2021 titled as '*Surjeet Singh & Others vs. State Registrar Firms and Societies & Others*' as well as Petition No.2181 of 2021 titled as '*Kanhaiya Shiksha Samiti Regd. vs. Deputy Registrar Firms and Societies, Karnal & Others*', which are pending before respondents No.1 and 2

respectively, by an early date as the election of the office bearers of the Society named “*Kanhaiya Shiksha Samiti*” is going to be conducted on 02.06.2021 in pursuance of the notice dated 17.04.2021 issued by respondent No.9, being the Election Officer and he has also prayed for staying the operation of the said notice.

Written-statement filed on behalf of respondent No.4, along-with Annexures R-4/1 to R-4/3, is already available on the record and the short reply filed on behalf of respondent No.1 by way of the affidavit of Dr.Saket Kumar as well as Annexure R-4/4 have been received through e-mail and the same are taken on the record.

Learned counsel for the petitioner refers to Section 39(6) of the Haryana Registration and Regulation of Societies Act, 2012 (for short, “the Act”) which is as under:-

“Where a petition is filed before the District Registrar under sub-Section (4) above, the District Registrar shall, after fulfillment of the condition specified under sub-section (5), immediately hold the election process in abeyance and proceed to conduct an inquiry by himself or by an officer appointed by him, in this behalf, for determining the list of eligible members.”

and he contends that the respondents are going to conduct the said election process on 02.06.2021 in violation of the afore-said provisions as the matters, as specifically mentioned in the list given in para No.30

of the petition, are pending before various competent Authorities and therefore, the above-said election process be stayed during the pendency of these matters.

However, learned State counsel appearing for respondents No.1 to 3 apprises this Court that the matters listed at Serial Nos.6 to 8 in para No.30 of the petition have already been decided by the competent Authorities and the rest of the matters, as enumerated in this list, would also be decided within the period of two months as mentioned in the order passed on 19.05.2021 in the instant petition.

Learned counsel for respondent No.4 also argues that the provisions as contained in Section 39(6) of the Act provide for holding the election process in abeyance only in the circumstances when a petition is filed under Section 39(4) of the Act and such petitions, as mentioned at Serial Nos.6 to 8 in the list as provided in para No.30 of this petition, have already been decided by the competent Authorities and as regards the remaining matters shown therein to be pending between the parties before different competent Authorities, the same do not fall within the four corners of the provisions as contained in Section 39(6) of the Act.

It is pertinent to mention here that while issuing the notice of motion in this petition on 12.05.2021, it had been directed that the State would seek specific instructions with regard to the time frame within which it would dispose of the statutory remedies, i.e the afore-mentioned appeals/petitions, filed by different parties. Then, in the order dated

19.05.2021, it has been categorically mentioned that learned State counsel submitted that the said remedies, i.e the matters referred to in the order dated 12.05.2021, would be decided within two months.

To add to it, the above-mentioned provisions as contained in Section 39(6) provide for holding the election process in abeyance only in the eventuality of a petition having been filed under Section 39(4) as well as for conducting the enquiry in respect thereof. Section 39(4) provides for the filing of a petition to challenge the list of the members of any Society, entitled to cast vote in the election of the Society, as published in view of Section 39(3) of the Act and Section 39(8) provides for setting the process of election in motion on completion of such enquiry proceedings.

The copies of the orders passed in the petitions filed under Section 39(4) of the Act, as listed at Serial Nos.6 to 8 in para No.30, have also been sent by learned counsel for respondent No.4 through e-mail and the same have been placed on the record and a perusal thereof reveals that the competent Authorities have decided these petitions. Learned counsel for the petitioner has not been able to refer to any material, available on the record, to show that the remaining matters, as listed in para No.30, have also been preferred under Section 39(4) of the Act.

Keeping in view the afore-discussed submission as made by learned State counsel regarding the disposal of all the matters, pending between the parties, within a period of two months and its reassertion by

her today also as well as the facts that it goes unrebutted on the record that only the matters listed at Serial Nos.6 to 8 in para No.30 of this petition, pertain to Section 39(4) of the Act and that the same have already been decided/disposed of by the competent Authorities, this Court is of the considered opinion that the petition in hand deserves dismissal. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

31.05.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No