



2026:PHHC:089668

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-19688-2026

Date of decision: July 03, 2026

SANT SHREE BAISAKHI DASS UDASEEN MEMORIAL TRUST
(REGD.)

...Petitioner

Versus

DIRECTOR GENERAL OF INDUSTRIES AND COMMERCE-CUM-
REGISTRAR GENERAL OF SOCIETIES AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Madan Pal, Advocate and
Mr. Shamsher Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the first respondent/Appellate Authority-Director General of Industries and Commerce-Cum-Registrar General of Societies to consider and decide the petitioner's pending application seeking interim stay and thereafter dispose of the main appeal titled *Sant Shree Baisakhi Dass Udaseen Memorial Trust (Regd.) v. Molar Singh and others*, Annexure P-11, which is listed for hearing on 06.08.2026.

2. Learned counsel contended that the orders passed by the District Registrar and the State Registrar of Societies, accepting the election petition filed by the fourth respondent/Molar Singh against the then President of the Society-Mr.Ishwar Pal, are not sustainable. *Firstly*, the election has been set aside on a wrong premise. He was working as a Guest



Teacher in a Government school and the Conduct Rules as well as the Haryana School Education (Group C) State Cadre Service Rules, 2012, Annexure P-9, are not applicable to him being a contractual appointee; this has specifically been provided in Appendix 'E' thereto. *Secondly*, even if the election is held to be illegal, the fourth respondent/election petitioner could not have been declared elected in terms of Section 40(3) of the Haryana Registration and Regulation of Societies Act, 2012. In such an eventuality, the only remedy with the authorities is to order re-election and not to declare the election petitioner as elected. This passing of such an order permitting an unauthorised person to take control of the Society affairs is impermissible under any circumstances. Hence the need to set aside the order. Despite this urgency, the aforesaid appeal filed by the petitioner-Society along with the stay application is not being decided and the assigned date of hearing has been fixed after an unduly long interval, which would enable the fourth respondent/illegally elected President to interfere with the functioning of the Society. He, accordingly, submits that the stay application may be ordered to be urgently decided, and the impugned order may be stayed in the meanwhile. Reference has been made to a Division Bench judgment *Kashmir Kaur v. Secretary to Government of Haryana, Development and Panchayat Department-cum-Financial Commissioner and others*, 1996(3) RCR (Civil) 686.

3. Learned State counsel submits that the appeal along with the stay application has already been listed for hearing and will be appropriately decided.



4. Considering the facts aforementioned, especially that the date of hearing of the appeal as well as the application has already been fixed, this Court deems it appropriate to dispose of the petition with a direction to the Appellate Authority to hear the appeal and decide the petitioner's application for interim relief/stay on the date already fixed for hearing, i.e., 06.08.2026. Till then, the fourth respondent will not be permitted to have access to the Society's records.

July 03, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*