



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

CWP-11606-2026 (O&M)
Date of Decision: 21.04.2026

Commander Suresh Kumar and Others

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vaibhav Narang, Advocate
for the petitioners.

Ms. Svaneel Jaswal, Addl. A.G., Haryana.

Mr. Amandeep Vashishth, Advocate and
Ms. Tarranum Madan, Advocate
for respondents No.5 and 6.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking setting aside of orders dated 23.02.2026 (Annexure P-10), 05.09.2025 (Annexure P-8) and 24.07.2025 (Annexure P-6) passed by respondents-authorities. They are also seeking direction to respondent No.4-District Registrar of Societies, Rewari to mandate strict compliance with bye-laws of respondent-society and to declare "Executive Members" as ultra vires the bye-laws. They are also seeking direction to respondents to conduct time-bound inquiry into the affairs of the respondent-society.

2. The petitioners are office-bearers of the governing body of Aravali Heights Residents Welfare Association of respondent-society. Petitioner No.1, 2 and 3 were elected as Vice President, Treasurer and

Joint Secretary respectively. They were elected vide elections held on 16.02.2025. Six other persons were elected as “Executive Members”. As per bye-laws of the society, only five office bearers can constitute Board of Managers and there is no provision for election of Executive Members. Respondents No. 5 and 6 in connivance with executive members diverted funds of the society for their ventures. The petitioners filed petition under Section 54 of Haryana Registration and Regulation of Societies Act, 2012 before respondent No.4-District Registrar which was dismissed vide order dated 24.07.2025. They preferred appeal before respondent No.3-State Registrar of Societies, Haryana against order dated 24.07.2025 which was dismissed vide order dated 05.09.2025. They filed appeal before respondent No.2-Registrar General of Societies, Haryana against order dated 24.07.2025 which was dismissed vide order dated 23.02.2026 on the ground that the governing body of the society always comprises 11 members and the petition under Section 54 of 2012 Act is not maintainable at the behest of only 3 members. It was also observed that there was no illegality in the contracts awarded as well as elections were not under challenge before the authorities.

3. Learned counsel representing the petitioners submits that as per bye-laws, there could be maximum 5 members of Board of Managers. The Authorities have wrongly concluded on the basis of past practice that there could be 11 members.

4. Learned counsel for respondents No.5 and 6 submits that as per Section 33 read with Section 25 of 2012 Act and Rule 15 of Haryana Registration and Regulation of Societies Rules, 2012 (for short ‘2012 Rules’), there may be 3 to 21 office bearers. The respondent-society since

its inception was appointing 11 office bearers. The petitioner, at this belated stage, are raising question of maximum 5 members of Board of Managers. They want to stall activities of the society. The society may amend its bye-laws as per 2012 Act.

5. Heard the arguments and perused the record.

6. Section 25 of 2012 Act provides that bye-laws shall generally conform to model bye-laws and shall contain provisions in respect of matter enumerated in said Section. Rule 15 of 2012 Rules provides that society may include or exclude any or all such provisions in its bye-laws as required keeping in view nature and scope of its activities. Bye-laws cannot be inconsistent with the provisions of the Act and Rules made thereunder. Section 25 of 2012 Act and Rule 15 of 2012 Rules are reproduced as below:

Section 25 of 2012 Act

“25. Bye-laws.- The Bye-laws shall generally conform to the model Bye-laws as prescribed and shall contain provisions in respect of the following matters, -

(i) identity which includes name and address of the Society;

(ii) aims and objects of the Society;

(iii) provisions regulating the membership of the Society i.e. eligibility, admission, kinds of membership, membership fee, subscription fee, resignation, withdrawal and termination etc.;

(iv) the composition of the General Body, its powers functions, periodicity of its meetings, quorum, period of notice for meetings, manner of voting, record of proceedings etc.;

(v) principles of formation of electoral colleges, constitution of Collegium, manner and mode of election for a member of the Collegium, resignation, removal, the term of office of the member, powers, functions, procedure

and periodicity of holding the meetings of the Collegium, quorum, period of notice for meetings, manner of voting, record of proceedings etc.;

(vi) composition of Governing Body, the manner and mode of election or appointment, resignation or removal, the term of office of the office-bearers, its powers, functions and duties, procedure and periodicity of holding the meetings, quorum, period of notice for meetings and manner of voting, record of proceedings etc.;

(vii) procedure for amendment in the Bye-laws;

(viii) procedure regarding amalgamation, division and dissolution;

(ix) sources of finance including the types of funds to be raised, maintenance of accounts, inspection of accounts and its audit, appointment of auditor, liability of member for discharge of debts etc.;

(x) provisions regarding the safe custody of the property or assets of the Society, particularly mentioning the manner of keeping or investing any money of the Society; and

(xi) any other matter relating to the affairs of the Society, as may be required.

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Rule 15 of 2012 Rules

“15. Contents of the Memorandum of Association and Bye-laws.

The contents of the Memorandum, and the Bye-laws shall be prepared in accordance with the provisions contained in sections 24 and 25 of the Act. The Society shall generally follow the model memorandum and the bye-laws set out in Appendix-I, II and III of these rules:

Provided that a Society may include or exclude any or all such provisions in its bye-laws as required keeping in view the nature and scope of its activities and operations, and which may or may not find a mention in the model bye-laws subject to the condition that such additions or omissions are not inconsistent with the provisions of the Act and these rules.”

7. From the perusal of above quoted provisions, it is evident that a society is required to make bye-laws with respect to composition of governing body, manner and mode of election, periodicity of holding meetings, quorum, period of notice for meetings etc. Society may borrow model bye-laws as such or may modify as per its requirement. The modified bye-laws cannot be contrary to statutory provisions.

8. In the case in hand, the society prescribed in its bye-laws that there would be 5 members of Board of Managers. As per statutory provisions and model bye-laws, there should be at least 3 members of Board of Managers and maximum can be 21. Founders of the society, as per their wisdom, provided in the bye-laws that there would be 5 members of Board of Managers. The society was free to fix strength of members of Board of Managers within range of 3 to 21. The strength was determined within prescribed criteria, thus, there was no violation of statutory provisions.

9. The authorities below have held that society since inception, was making appointment of 11 members as Board of Managers. The respondents have relied upon practice, however, ignored bye-laws framed by the society. In the bye-laws, indubitably it is categorically provided that there would be 5 members of the Board of Managers. It is settled law that practice cannot nullify or overreach statutory provisions. Bye-laws are part of 2012 Act and Rules made thereunder. The society works as per its bye-laws. It cannot deviate from its bye-laws. Any action contrary to bye-laws is bad in the eye of law.

10. In the backdrop, it is hereby held that as per bye-laws of the society, there can be maximum 5 members of Board of Managers. The petitioners are holding position of Vice President, Treasurer and Joint Secretary. All the 3 posts are recognized by bye-laws. The dispute is confined to executive members. The petitioners comprise majority of Board of Members as contemplated under Section 54 of 2012 Act. The respondents have wrongly held that they do not form majority in terms of Section 54 of 2012 Act. The society may amend its bye-laws as per provisions of 2012 Act and Rules made thereunder.

11. ***Disposed of*** in above terms.

12. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

21.04.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No