

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.2835 of 2015

Decided on: 06.10.2026

Madan Gopal Sharma

.....Petitioner

Versus

Registrar of Societies-cum-Deputy
Commissioner and another

....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting?*

For the petitioner: Ms. Suman Thakur, Advocate.

For the respondents: Mr. Varun Chandel, Additional
Advocate General, for Respondent
No.1-State.

Mr. Vinod Kumar Sharma, Advocate
vice Mr. Rajesh Kumar, Advocate, for
Respondent No.2.

Ranjan Sharma, Judge

Petitioner-Madan Gopal Sharma, has filed
instant petition, *seeking the following reliefs:-*

- “17 (1) That the respondent No.1 may kindly be
ordered to collect the fee from
respondent No.2 and deposit the bank
installments.
- (2) That the Respondent No.2 may kindly be
ordered to run the institutions properly
and clear the liabilities within sincere
efforts.
- (3) That the respondent No.2 may kindly be
ordered to arrange fresh sureties from its

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

members and the land of petitioner pledged with banks as collateral security be released to him.

- (4) That the petitioner may not be made liable for any action or to discharge any liabilities of previous years as the same were his duties cast upon him as per his designation.”

2. Upon issuance of notice by the Hon’ble Division Bench on 02.06.2015, the Official Respondent No.1 as well as Private Respondent No.2 [Bhuvneshari Educational Society] have filed their respective affidavits. Rejoinders were filed by the petitioner to the respective replies also.

3. Considering the nature of prayer, the matter was listed on 14.09.2026 when, after hearing Learned Counsel for the petitioner for some time, this Court was of the *prima-facie* view that instant petition and reliefs claimed therein, could not be adjudicated in the proceedings under Article 226 of the Constitution of India. The order dated 14.09.2026 reads as under:-

“Heard for some time.

Issue regarding maintainability of instant petition with reference to the reliefs claimed is to be addressed by this Court, before proceeding further on merits.

Faced with this situation, Learned Counsel

for the petitioner prays for an adjournment, so as to address this Court on the issue of maintainability.

List on **06.10.2026.”**

4. Upon listing of the case today, Learned Counsel for the petitioner, at the very outset, submits that in view of the orders dated 14.09.2026, the petitioner may be permitted to invoke the remedy before Registrar of Cooperative Societies, Himachal Pradesh, hereinafter, in accordance with law [*Statement is Taken on Record*].

5. Prayer made by Learned Counsel, being innocuous, is not opposed by Learned State Counsel as well as Learned Counsels representing Respondent No.2 also.

6. Considering the fair submission made by Learned Counsel for the petitioner, which is not opposed by Learned Counsels for the Respondents also, this Court disposes of the instant petition, reserving liberty to the petitioner to avail appropriate remedy by way of petition/ appeal/representation, before Registrar of Cooperative Societies, Himachal Pradesh, within a period of three weeks from today.

7. Upon receipt of such petition/appeal/

representation, Registrar of Cooperative Societies, Himachal Pradesh, shall consider the grievance, after hearing the parties herein and all others, if necessary, and pass appropriate orders, in accordance with law, hereinafter, within a period of four months thereafter.

8. Needless to say, that this Court has not adverted to the rival claims and contentions and this order has been passed on the request of Learned Counsels, in view of the orders dated 14.09.2026, as referred to above, leaving all questions open.

In aforesaid terms, instant petition and all the pending miscellaneous application(s), if any, shall stand disposed of.

(Ranjan Sharma)
Judge

October 06, 2026
[Bhardwaj]