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HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

10 January, 2026

Writ Petition (M/ S) No.74 of 2026

Harish Mittal

..Petitioner

Versus

Registrar, Firms Societies and Chits
& Others

...Respondents

Presence:-

Mr. R.K. Raizada and Mr. D.S. Patni, learned senior counsel assisted by Mr. Dharmendra Barthwal, learned counsel for the petitioner

Mr. Suyash Pant, learned Standing Counsel for the State/respondent nos.1 and 2

Mr. U.K. Uniyal, learned senior counsel assisted by Mr. M.C. Pant, learned counsel for respondent nos.3 and 4

Hon'ble Shri Justice Subhash Upadhyay, J. (Oral)

Heard learned counsel for the parties.

2. Petitioner has filed this writ petition assailing the order dated 20.12.2025 passed by respondent no.1 - Registrar, Firm Societies and Chits (*hereinafter to be referred as 'the Registrar'*), whereby the respondent no.1 has recalled his earlier order dated 26.11.2025 on the representation of respondent no.4 dated 12.12.2025 and has set aside the order dated 20.03.2025 passed by respondent no.2.

3. It is the case of the petitioner that the Doon



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Valley Public School is registered as a Society under the Societies Registration Act and the respondent no.4 had included new members to the Society and thereafter an online meeting of the general body was also held on 29.11.2020, against the bye-laws of the Society.

4. Learned senior counsel for the petitioner submits that against the said action of respondent no.4 petitioner had made various complaint to the Deputy Registrar, Firms Societies and Chits (*hereinafter to be referred as the 'Deputy Registrar'*), on which, the Deputy Registrar passed the order dated 20.03.2025, however, the respondent no.4 filed an application before the Registrar on 18.06.2025 and the matter was kept pending.

5. Learned senior counsel for the petitioner further submits that the petitioner, being aggrieved by the inaction of respondent no.1, had preferred WPMS No.3209 of 2025 and, during the pendency of the said writ petition, the Deputy Registrar Mr. Alok Shah was directed to appear virtually before the Court and on 27.11.2025, he placed on record the order dated 26.11.2025 passed by the Registrar. Operative portion of order dated 26.11.2025 passed by Registrar is as



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follows: -

अतः अपीलार्थी श्री चन्द्रशेखर शिमाल द्वारा उपलब्ध कराये गये नये साक्ष्यों एवं सहायक निबंधक के आदेश दिनांक 07 जनवरी 2023 के आलोक में उप निबंधक देहरादून को निर्देशित किया जाता है, कि वह अपने कार्यालय आदेश सं० 2614 दिनांक 20.03.2025 का पुनः परीक्षण करते हुए नये साक्ष्यों एवं तथ्यों के आलोक में सभी पक्षों को सुनते हुए तीन माह के भीतर प्रकरण का निस्तारण करना सुनिश्चित करे।

6. Perusal of the said order reveals that the Deputy Registrar was directed to revisit his earlier order dated 20.03.2025 and after providing an opportunity of hearing to the parties he was directed to pass fresh orders within three months.

7. Said order was placed before the Coordinate Bench, wherein the learned counsel for the petitioner submitted that in view of the order dated 26.11.2025, the relief claimed in the writ petition do not survive, and as such, the writ petition was dismissed as infructuous.

8. It is the grievance of the petitioner that, after the dismissal of the writ petition on 27.11.2025, respondent no.4 submitted an application before the Registrar on 12.12.2025 and acting on the said application, Registrar passed the impugned order dated 20.12.2025, which is impugned in the present writ



petition.

9. Learned counsel for the petitioner further submits that the order passed by the Registrar is illegal as the said authority had no power to review its earlier order dated 26.11.2025. Moreover, he submits that once the said order was placed before the Court and the Court taking cognizance of the said order, had dismissed the earlier writ petition filed by the petitioner, then the said authority ought to have brought the said order to the notice of the Court.

10. The Registrar was directed to appear virtually before the Court and in compliance of the order dated 08.01.2026, he appeared before the Court in pre-lunch session. The Registrar was heard and he submitted that the order dated 20.12.2025 shall be withdrawn by him. Pursuant to said submission, order dated 10.01.2026 is placed by the learned Standing Counsel. Same is taken on record.

11. Perusal of the said order dated 10.01.2026 reveals that the Registrar has contended in the said order that the High Court has directed him to withdraw the said order and in compliance of said directions, order dated 20.12.2025 has been withdrawn.



12. Learned senior counsel appearing for respondent no.3 and 4, per contra, submits that the petitioner in the earlier writ petition had not impleaded the respondent as a party respondent and the order dated 20.03.2025 was passed by the Deputy Registrar after hearing the parties and the order dated 20.12.2025 was also passed by the Registrar after hearing the parties. Learned senior counsel for respondent nos.3 and 4 further submits that the order dated 20.03.2025 passed by Deputy Registrar was without jurisdiction, as the said authority is not empowered to decide the issue, as per the provisions of the Societies Registration Act. He prays that the said order is, as such, liable to be set aside.

13. Having heard the learned counsel for the parties, this Court is of the view that the order dated 20.12.2025 cannot be sustained in the eyes of law, as after issuance of order dated 26.11.2025 the Registrar had become *functus officio*; moreover, by the order dated 26.11.2025 the Registrar had remanded the matter to the Deputy Registrar to consider the issue afresh after providing an opportunity of hearing to both the parties.

14. Moreover, perusal of the order dated 26.11.2025 reveals that while the matter was remanded to the Deputy Registrar, Dehradun, it was clearly



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stipulated in the said order that the Deputy Registrar shall revisit the entire order and pass an appropriate order after hearing the parties within a period of three months.

15. So far as the contention of the learned senior counsel appearing for respondent nos.3 and 4 is concerned that the Deputy Registrar is not having the jurisdiction to decide the said issue, the aforesaid contention can be raised before the said authority and it is left open to the parties to agitate the said issue.

16. In view of the above, the order dated 20.12.2025 is quashed. Deputy Registrar is directed to decide the issue, raised by the petitioner, afresh. Parties are at liberty to raise all of their contentions, including the issue of jurisdiction. The Deputy Registrar shall take a decision afresh, without being influenced by the earlier order dated 20.03.2025. Such exercise shall be carried out within three months from today.

17. Subject to the above, the writ petition is disposed of.

(Subhash Upadhyay, J.)
10.01.2026

Rajni

**RAJINI
GUSAIN**

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