



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE SRI MANOJ KUMAR TIWARI
Writ Petition Misc. Single No. 402 of 2023
14 July, 2026

Aarogyam Residents Welfare Association

--Petitioner

Versus

Registrar Firms Societies And Chits Uttarakhand

2: Deputy Registrar Firms Societies And Chits Haridwar

Distt Haridwar

--Respondent

Presence:-

Mr. Parikshit Saini, learned counsel for the petitioner.

Mr. N.K. Papnoi, learned Standing Counsel for the State of Uttarakhand.

Mr. Pankaj Miglani, learned counsel for applicant-intervener.

JUDGMENT

1. By means of this writ petition petitioner has challenged order dated 28.01.2023 passed by Deputy Registrar, Firms Societies & Chits, Haridwar. By the said order, registration of Society, which was registered under the Chairmanship of Mr. Shailendra Kumar Budhalakoti, was declared to be invalid, and two persons named in the impugned order were appointed as Election Officer with a direction to conclude the election process after preparing a voter list, as per Rules. This writ petition was filed in 2023.

2. Mr. Pankaj Miglani, learned counsel appearing for the intervener has drawn attention of this Court to a common order dated 11.01.2024 rendered in WPMS Nos. 1090/2023, 402/2023 & 3539/2023 passed by coordinate Bench with the consent of counsel for the parties. Operative portion of the said order reads as under:-

“3. With the consent of learned counsel for all the parties, for



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an interim measure, the Additional District Magistrate, Haridwar is appointed as an Election Officer to conduct the election of the society as per bye-law within three months. During this period, the A.D.M will prepare a list of the members by inducting the persons who are occupying or in possession over the flat as per the bye-laws of the society.

4. The Additional District Magistrate, who is appointed as an Election Officer, will conclude the election process within the aforesaid period as per the bye-laws of the society.

5. It is also made clear that the present/existing members of the society will cooperate with the Additional District Magistrate and simultaneously all persons who are occupying the flats, will also cooperate. If any of them will not cooperate with the Additional District Magistrate, the learned Standing Counsel, who represents the A.D.M, will move an application for an appropriate direction.

6. It is also made clear that the result of the election shall not be declared and the same shall be kept in a sealed cover and the same would be subject to the decision of these three writ petitions.

7. It is also made clear that since this society is meant for the welfare of the occupiers of the flats, therefore, this Court is of the view that each of the flat owners or the occupiers, inducted as a member of the society as per the bye-laws, have right to cast the vote.

8. List all these matters on 29.02.2024 for final disposal.”

3. Mr. Pankaj Miglani, learned counsel for the intervener further submits that thereafter another order was passed by this Court on 01.09.2025 in the above petitions, whereby Additional District Magistrate, Haridwar was directed to declare the result at the earliest possible. Operative portion of the said order is extracted below:-

“5. Coordinate Bench vide order dated 11.01.2024 appointed Additional District Magistrate, Haridwar as Election Officer to conduct election of Aarogyam Residents Welfare Association. The parties are ad idem that election has been done as per order of Coordinate Bench.

6. Prayer has been made by Mr. Avtar Singh Rawat, learned Senior Counsel and Mr. P.K. Chauhan, learned counsel for the parties to direct Additional District Magistrate concerned to declare the result of the election.

7. Since election process completed in the month of September, 2024, therefore, Additional District Magistrate concerned is directed to declare the result at the earliest



possible.”

4. He further submits that in the election, which was held in terms of order passed on 11.01.2024, Colonel Ranjeet Singh (Retd.) was elected as President of the Society. He submits that since petitioner (*Shailendra Kumar Budhalakoti*), who claims to be the President of Aarogyam Residents Welfare Association, was not handing over charge to the newly elected Chairman i.e. Colonel Ranjeet Singh (Retd.), therefore, an application (IA No. 10 of 2026) was filed in this writ petition for dismissal of the writ petition as infructuous. He submits that on that application, coordinate Bench extended the interim order dated 17.02.2023 till the next date of listing; the order of extending the interim order was challenged by Colonel Ranjeet Singh (Retd.) in SPA No. 140 of 2026. The order dated 06.05.2026 passed in SPA No. 140 of 2026 is enclosed as Annexure 1 to the application (IA No. 11 of 2026). Operative portion of the said judgment is extracted below:-

“8. Normally, we would have not entertained any appeal against an order extending the interim order, but in the facts of the instant case, noted above, we feel persuaded to intervene. The interim order has been extended without considering the fact that subsequently fresh election has been held in pursuance of orders passed by the Writ Court itself and in which appellant was elected as President. The extension of the interim order has resulted in up-setting the position prevailing on the said date.

9. Accordingly, the impugned order is set aside. The learned Single Judge is requested to decide the impleadment application and the application filed along with it with prayer to dismiss the writ petition as infructuous before entertaining any request for extension of the interim order.”

5. Per contra, learned counsel appearing for the petitioner submits that after being elected, Colonel Ranjeet Singh (Retd.) filed WPMS No. 288 of 2026



seeking a direction to the Authorities to handover the charge as President of the Association, but the writ petition was subsequently, withdrawn.

6. It is not in dispute that the order passed by Division Bench in SPA No. 140 of 2026 was challenged by writ petitioner by filing SLP (Civil) No. 18527 of 2026, which was dismissed as withdrawn vide order dated 27.05.2026. Thus it is contended by Mr. Pankaj Miglani, learned counsel for the intervener that since Division Bench of this Court has recognized the last election in which Colonel Ranjeet Singh (Retd.) was elected Chairman, therefore, the challenge to the order passed by Deputy Registrar, Firms Societies & Chits, whereby Election Officer was appointed with a direction to hold election as per Rules, do not survive.

7. This Court finds substance in the said submission. Since, pursuant to order passed by Coordinate Bench, election to reconstitute Committee of Management of the Association was held and Division Bench in SPA No. 140 of 2026 has taken note of the election held pursuant to that interim order, therefore, the issue raised by petitioner in this writ petition has become of academic interest only. Thus, this Court do not find any scope for interference with the impugned order.

8. Accordingly, the writ petition fails and is dismissed.

MANOJ KUMAR TIWARI, J.

14.07.2025

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NITI RAJ
SINGH
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