



2026:UHC:1695-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.155 of 2026

March 13, 2026

Sukh Dev Singh & Ors.

-----Petitioners

Versus

State of Uttarakhand & Ors.

-----Respondents

Presence:-

Mr. Navneet Kaushik, learned counsel for the petitioners

Mr. Amarendra Pratap Singh, learned Additional Advocate General with Mr.
Yogesh Chandra Tiwari, learned Standing Counsel for the State.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. The present petition is directed against an order dated 09.05.2024 passed by respondent no.3- Deputy Registrar, Societies, Firms and Chits, Udham Singh Nagar, District Udham Singh Nagar/Chief Treasury Officer, District Udham Singh Nagar, by which list of office bearers of a registered Society named Gurudwara Prabandhak Committee, Shri Nanakmatta Sahib, Nanakmatta, Udham Singh Nagar, Uttarakhand has been registered, exercising power u/s 4 of the Societies Registration Act, 1860 (*for short, the Act*). Petitioners have further prayed for quashing of the list of office bearers registered by respondent no.3. A further prayer has been made for quashing the order dated 31.08.2007



issued by respondent no.1, whereby the State Government has decentralized the powers conferred on the Registrar under the Act.

2. The facts, in brief, are that the petitioners claim that they are members of the aforesaid Society. Petitioner no.2 claims that he was elected as President and one Smt. Kamlesh Kaur as Vice President in the meeting dated 06.04.2022 held for electing the office bearers of the Committee of Management of the Society. It seems that petitioner no.2 was suspected to be involved in murder of a Jatthedar at Karsewa Shri Nanakmatta Sahib, on basis of which Case Crime No.83/2024 u/s 302, 120-B and Section 37 IPC was registered. Petitioner no.2 is a named accused out of five accused persons. In wake of the same, petitioner no.2 tendered resignation from the post of President on 16.04.2024. His resignation was accepted in meeting of the Prabandhak Committee held on 05.05.2024.

3. The case of the petitioner no.2 is that even before the meeting of the office bearers and Directors of Prabandhak Committee was held on 05.05.2024, he by means of an application dated 02.05.2024, withdrew his resignation. It is also the case of petitioner no.2 that respondent no.6, the General Secretary, illegally called the meeting dated 05.05.2024, although the Acting President on 27.04.2024, had sought written opinion by



way of affidavit from all the elected Directors on the resignation of petitioner no.2. It is also alleged that on 05.05.2024, there was no agenda for filling up the post of President, but respondent no.7 got himself elected illegally. On basis of resolution passed in the meeting of the Directors dated 05.05.2024, a new list of office bearers was submitted and wherein respondent no.7 was shown as President. The said list of office bearers has been registered by respondent no.3 on 09.05.2024. On 12.05.2024, petitioner no.2 made a representation to respondent no.3 stating that meeting dated 05.05.2024 was illegal and thereafter the subsequent action dated 11.05.2024, expelling him from membership of the Society, is also illegal. Respondent no.3, according to the petitioners, has taken cognizance of the said complaint and has sought explanation of respondent nos.6 and 7. It is admitted that so far the Deputy Registrar has not taken any decision on the aspect of alleged illegal expulsion of petitioner no.2 from membership of the Society.

4. The grievance in the present petition is both in respect of alleged illegal acceptance of the resignation submitted by petitioner no.2 and his expulsion from the membership of the Society on 11.05.2024.

5. The admitted case of the petitioner no.2 is that he tendered resignation on 16.04.2024. It is also not disputed that in the meeting dated 05.05.2024 the



resignation was accepted, although petitioner no.2 alleges that the meeting dated 05.05.2024 was illegally held and also that respondent no.7 was wrongly elected in the said meeting.

6. The dispute which has thus been raised in the present petition is regarding right of petitioner no.2 to continue in office as President of the Society. It is a dispute regarding continuance in office of office bearer of a Society. The said dispute clearly falls within the purview of Section 25(1) of the Societies Registration Act, 1860. In view of availability of the said remedy under the Act, we are not inclined to examine the same in exercise of writ jurisdiction, particularly when it involves disputed questions of facts and appreciation of evidence.

7. As regards the expulsion of petitioner no.2 from membership of the Society, admittedly, respondent no.3, taking notice of the representation made by petitioner no.2, has already sought explanation from respondent nos.6 and 7 and so far no final decision has been taken, therefore, we desist from expressing any opinion on the said issue. We, however, direct respondent no.3 to take appropriate decision in relation to the alleged expulsion of petitioner no.2 from membership of the Society on basis of show cause notice stated to have been issued by him, after hearing petitioner no.2 and all other affected parties, strictly in accordance with law.



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8. As regards challenge extended by the petitioners to order of respondent no.1 dated 31.08.2007, whereby powers of Registrar have been decentralized, we are of the opinion that validity of the said order is not required to be examined in the present proceedings, as respondent no.3 has merely registered the list of office bearers. There is no adjudication by respondent no.3 while registering the list.

9. As already observed, in case the petitioner no.2 is aggrieved by outcome of the meeting in which his resignation was accepted and election of respondent no.7 in his place, it is open to him to approach the Prescribed Authority u/s 25 of the Act.

10. With the aforesaid observations and directions, present petition is disposed of.

11. Pending applications, if any, also stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 13.03.2026

Rajni

**RAJINI
GUSAIN**

Digitally signed by RAJINI GUSAIN
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