



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

11TH AUGUST, 2026

SPECIAL APPEAL No. 403 of 2025

1: Metropolis Resident Welfare Association

--Appellant

Versus

1: Registrar Firms Societies And Chits

2: Deputy Registrar

--Respondents

Counsel for the appellant. : Mr. Aditya Singh, learned counsel.

Counsel for respondent no. 1. : Mr. Prabhakar Joshi, learned counsel.

Counsel for respondent no. 2. : Mr. Rajeev Singh Bisht, learned Deputy
Advocate General for the State of
Uttarakhand.

JUDGMENT : (per Shri Manoj Kumar Gupta, C.J.)

1. The present appeal is directed against the order of learned Single Judge dated 17.11.2025 passed in WPMS/1402/2025, whereby the writ petition filed by the appellant challenging the order of Registrar, Firms, Societies and Chits, Dehradun dated 13.01.2025, and the consequential order issued by the Deputy Registrar on 12.02.2025 to the same effect, as well as the order dated 06.05.2025, whereby the Tehsildar, Udham Singh Nagar convened a meeting of the residents of the Society, has been dismissed.

2. The appellant is a resident welfare Society of homebuyers of Metropolis City. It is registered under the Societies Registration Act. As per the by-laws of the society,



there was a cap of 100 on the maximum number of members of the Society, although there were around 1600 occupants. Consequently, when complaints were filed by the residents that they were not being made members of the Society, the Registrar, Firms, Societies and Chits seems to have issued direction to the appellant to amend the by-laws of the Society. The said part of the direction given by the Registrar has not been interfered with by the learned Single Judge, observing that all the residents/ shopkeepers of the project are entitled to be the members of the appellant-Society, and the cap of maximum number of members was found to be unsustainable in law.

3. Learned counsel for the appellant submits that the learned Single Judge erred in examining the said issue, inasmuch as, the Society itself had amended its by-laws and the same were also duly approved by the Registrar.

4. Even if we accept the said factual position, it would in no manner have any adverse impact upon the judgment under challenge.

5. The second submission of the learned counsel for the appellant is that election of the appellant-Society was held in the year 2023, and as per by-laws of the Society, the term of



the appellant-Society being five years, the direction issued by the Registrar for holding fresh elections was illegal.

6. We observe that, along with the writ petition, no material has been filed to show how elections were held in the year 2023, and whether the list of elected office bearers and members of the Committee of Management of the Society was ever filed before the Registrar, as required under Section 4 of the Act. In fact, there is admission of the appellant in the affidavit filed by it at the time of seeking amendment in the by-laws that because of lack of knowledge, the compliance of Section 4 of the Act was not made.

7. As the fact that there were much more residents/shopkeepers than the members in the Society, and the cap under the by-laws has been found to be illegal, therefore, the legality of the alleged election of 2023 also becomes questionable.

8. Be that as it may, we need not express any final opinion on the same, inasmuch as, we are informed that, after induction of new members, fresh election had already taken place. The Committee so elected is stated to be managing the affairs of the Society.



9. Consequently, we find no good ground to interfere with the order of the learned Single Judge, or the order issued by the Registrar directing the appellant to hold the elections.

10. The appeal fails and is dismissed.

11. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 11th August, 2026

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