HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 5961 of 2026

C/M Shankar Ji Maharaj Baba Aughad Das Ram Leela Prabandh Thru. President Rudrasen And 15 Others .....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Societies And Registration Lko. And 3 Others .....Respondent(s)

Counsel for Petitioner(s)	:	Radhika Varma, Anshuman Singh Rathore, Pradeep Kumar Singh Vats
Counsel for Respondent(s)	:	C.S.C., Alok Kirti Mishra, Neelesh Gautam

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Court No. - 5

HON'BLE SUDHANSHU CHAUHAN, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State respondents and Sri Alok Kirti Mishra, learned counsel for the respondent no. 4.

2. The present writ petition has been filed being aggrieved by the order dated 11.05.2026, whereby the Deputy Registrar Firms, Societies and Chits, Ayodhya has held that the lists of the general body of the society for the years 2011-12, 2015-16, 2020-21 and 2025-26 are defective. Consequently, the Deputy Registrar has proceeded to declare the election proceedings held on 28.08.2020 and 20.08.2025 as void and has cancelled the same. Further, by means of the impugned order, the Deputy Registrar has held that the Committee of Management ceased to exist after 20.08.2018, as its term had expired.

3. It is contended on behalf of the petitioner that the Registrar had no jurisdiction to pass the impugned order and that the power to adjudicate upon the validity of elections and the continuance of the Committee of Management vests with the the Prescribed Authority under Section 25 of the Societies Registration Act. In support of the aforesaid submission, learned counsel for the petitioner has placed reliance upon the judgment of this Court in ***Gram Shiksha Sudhar Samiti, Junior High School and Another Vs. Registrar, Firms, Societies and Chits, U.P., Lucknow and Others, 2010***

SCC OnLine All 1261, wherein this Court has held as under:-

"7. We have heard learned counsel for the parties. In our opinion, the first question that we have to answer is as to whether the Registrar under the proviso to Section 4 of the Act, as amended in the State of Uttar Pradesh, could have proceeded to decide the controversy pertaining to the election of office bearers. In our opinion, the issue is no longer res integra having been decided by the Division Bench in All India Council (supra). We may gainfully refer to paragraph 7 of this judgment, which reads as under:-

"7. It will, therefore, be seen that insofar as disputes or doubts in respect of the election or continuance in office of the office-bearers of a society registered in Uttar Pradesh are concerned, the Legislature has created a specific forum and laid down an exhaustive procedure for determination of the same under S.25. There is no other provision, express or otherwise, providing for determination of such disputes specifically. It is settled law that where, as here, the Legislature creates a specific forum and lays an exhaustive procedure for determination of a particular class of disputes in respect of matters covered by the stature, such disputes can be determined only in that forum and in the manner prescribed thereunder and not otherwise. If, therefore, a dispute is raised with regard to the election or continuance in office of an office-bearer of a society registered in Uttar Pradesh, the same has to be decided only by the Prescribed Authority under S. 25 (1) and not by the Registrar, save, of course, to the decision of the Prescribed Authority being subject to the result of a civil suit."

8. Considering the ratio of this judgment, it would be clear that the learned Division Bench has harmonised both the provisions so that both can be given effect to. The effect is that what can be gone into under Section 25 of the Act, cannot be gone into under the proviso to Section 4 of the Act. This, in our opinion, would be the proper reading of both the provisions without rendering any provision otiose.

9. In view of the above, though the direction of the learned Single Judge would be an appropriate direction, nonetheless the learned Single Judge ought to have, at the same time, set aside the order dated 11th June, 2010, as that would be an order without jurisdiction. The moment an application for taking on record the names of the office bearers and an objection as to the validity or otherwise of the office bearers, who are duly elected, have been filed, the Registrar considering Section 25 (1) of the Act ought to have referred the matter to the Prescribed Authority under the said provision"

4. Reliance has also been placed upon the judgment of this Court in ***C/M Anjuman Kherul Almin, Allahganj and Another Vs. State of U.P. and Others, 2013 SCC OnLine All 14353***. Placing reliance upon the aforesaid judgments, it has been vehemently argued that the order dated 11.05.2026 is wholly unsustainable in the eyes of law.

5. Per contra, a preliminary objection has been raised by Sri Alok Kirti Mishra, learned counsel appearing for respondent no. 4, contending that only the Secretary of the Society is competent to institute the present writ petition on behalf of the Committee of Management. In this regard, reliance has been placed upon Bye-law No. 19(1), which vests the Secretary of the Society with the authority to institute and defend legal proceedings on behalf of the Committee of Management. It has further been contended that the resolution dated 25.05.2026 authorising the filing of the present writ petition was not passed by requisite quorum prescribed for meetings of the Committee of Management.

6. In response thereto, learned counsel for the petitioner submits that by means of the resolution dated 25.05.2026, a copy whereof has been brought on record as Annexure No. 9 to the writ petition, the President of the Society had been duly authorised to institute the present writ petition. It is further submitted that by means of the impugned order, not only have the elections been declared void, but the lists of the general body have also been held to be defective. Consequently, the rights of the members of the Society stand directly affected by the impugned order and, therefore, a writ petition at their instance would also be maintainable. It is further contended that petitioner nos. 2 to 16 are members of the Society and, as such, the writ petition is maintainable at their behest as well.

7. Lastly an objection has been raised by learned counsel for respondent no. 4 that the Society is a necessary party to the present proceedings and that, in its absence, the writ petition is not maintainable. In response to the said objection, learned counsel for the petitioner prays for and is permitted to implead the Society as respondent no. 5 during the course of the day.

8. Having considered the submissions advanced by learned counsel for the parties, this Court finds that the matter requires consideration.

9. Issue notice to the newly impleaded respondent no.5. Steps be taken within a week.

10. Learned Standing Counsel for the State respondents is granted ten days time to seek instructions in the matter.

11. List on 09.07.2026, as fresh.

12. Till the next date of listing, the operation of the impugned order dated

11.05.2026 passed by the respondent no.3, shall remain stayed.

June 4, 2026
Gaurav

(Sudhanshu Chauhan,J.)

Digitally signed by :-
GAURAV PATEL
High Court of Judicature at Allahabad,
Lucknow Bench