



2026:UHC:3237

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1151 of 2026

29 April, 2026

Sunil Kumar

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. Parikshit Saini, learned counsel for the petitioner.

Mr. Yogesh Pandey, learned Deputy Advocate General for the State.

Mr. Sandeep Kothari, learned counsel for respondent no.3.

Hon'ble Pankaj Purohit, J. (Oral)

By means of present writ petition, petitioner has put to challenge the impugned order dated 20.01.2026, passed by respondent no. 5-SDM, Bhagwanpur, District Haridwar, annexure-5 to the writ petition, whereby the election of the petitioner to the post of Director of the Committee of Management has been set-aside.

2. Petitioner is a member of respondent no.7-Cooperative Society and, by virtue of being a member of respondent no.7, petitioner was elected as a Director. Respondent no.8 challenged the election of the petitioner by filing a suit (raised an arbitration) under Section 70 of the Uttarakhand Cooperative Societies Act, 2003 (for short "the Act, 2003") read with Rule 50 of the Cooperative Election Rules, 2018 (for short "the Rules, 2018"). The District Magistrate, Haridwar referred the said election suit to the SDM, Bhagwanpur, Haridwar for arbitration, and after such reference, the said arbitration was allowed and the election of the petitioner was set-aside.



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3. It is contended by learned counsel for the petitioner that under Rule 50 of the aforesaid Rules, 2018, suit should have been filed in a proper manner within the parameters of Order 7 CPC, whereas the application which has been moved by petitioner is not in that form and is only a mere application. He further contended that the alleged suit was not accompanied by the prescribed fee of Rs.1,000/- as per Rule 50 of the Rules, 2018; the District Magistrate has not technically referred the matter for arbitration to the SDM, rather it was simply transmitted for taking a decision on the said application as per Rule 50 of the Rules, 2018.

4. Learned counsel for the respondents raised a preliminary objection that the order impugned in the present writ petition is appealable before the Tribunal under Section 98(1)(h) read with Section 98(2)(c) of the Act, 2003; therefore, the writ petition is straightaway not maintainable.

5. Having perused the impugned order as well as Section 98, this Court finds favour with the objection raised by learned counsel for the respondents.

6. Accordingly, the writ petition is dismissed *in limine*. However, liberty is granted to the petitioner to prefer an appeal before the appellate authority under Section 98 of the Act, 2003.

7. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
29.04.2026

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