2026:UHC:9680

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3272 of 2026

27 October, 2026

Surendra Kumar & others

--Petitioners

Versus

Deputy Registrar & others

--Respondents

Presence:-
Mr. Shailendra Nauriyal, learned counsel for the petitioners.
Mr. Yogesh Pandey, learned Deputy Advocate General for the State.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioners are members of Chhetriya Shri Gandhi Ashram, a registered Society under the Societies Registration Act, 1860 (for short, "the Act, 1860"). Petitioners have approached this Court challenging the orders dated 07.10.2026 and 09.10.2026 passed by respondent no.1. Respondent no.1, vide order dated 07.10.2026, validated the election of Shiv Bahadur Singh-respondent no.3, while maintaining the invalidation of the elections of the other members, namely, Vijaymal Singh and Virendra Tripathi and vide order dated 09.10.2026, respondent no.1 has called for a meeting to be held on 28.10.2026, in which, petitioners claim, an election would be held for induction of new members in the Society.

2. It is the contention of the learned counsel for the petitioners that since the Chairman of the Society had cast his vote in favour of Vijaymal Singh and Virendra Tripathi, the entire election was invalidated by respondent no.1 on that ground, but subsequently, vide order dated 07.10.2026, the election of Shiv Bahadur

Singh was found to be valid.

3. This Court, vide order dated 26.10.2026, has called upon the State to seek instructions in the matter as to why the previous order dated 24.08.2026 was partially withdrawn by order dated 07.10.2026.

4. Today, learned Deputy Advocate General, on instructions, submitted that the order dated 24.08.2026 was withdrawn only in respect of Shiv Bahadur Singh for the reason that Shiv Bahadur Singh had obtained 2/3rd of the votes as per the Bye-laws and was validly elected. He further submits that the Chairman has no power to cast a vote as per the Bye-laws, therefore, the election of the two members, i.e., Vijaymal Singh and Virendra Tripathi, was not disturbed by order dated 07.10.2026. He also submits that if an election is held on 28.10.2026 in the coming week, petitioners have the right to challenge the election so held before the Competent Authority/Registrar of Cooperative Societies in accordance with law.

5. Learned counsel for the petitioners vehemently submitted that respondents are repeating the same illegality in all the elections, therefore, they apprehend that the election to be held on 28.10.2026 would not be in accordance with the Bye-laws.

6. To this, learned State Counsel submits that, so far as the apprehension of the petitioners is concerned, no order can be passed by this Court merely on the basis of presumptions and assumptions.

7. This Court finds substance in the submission made by the learned State Counsel. Since the meeting has already been convened vide order dated 09.10.2026

to be held on 28.10.2026, therefore, in the opinion of this Court, it is neither expedient nor prudent to scuttle the election in between. Against the election, petitioners have a remedy under the provisions of the Act, 1860. Accordingly, no interference is warranted. The writ petition is dismissed in-*limine*.

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

(Pankaj Purohit, J.)
27.10.2026

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