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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3047/2025, CM APPL. 14454/2025 & CM APPL. 19563/2025

SOCIETY FOR DEVELOPMENT OF HUMAN RESOURCES THR ITS PRESIDENT PARVESH KUMAR .....Petitioner

Through: Mr. Pankaj Kumar, Mr. Sandeep Kumar Singh, Mr. Shubhendu Saxena, Ms. Niharika, Advocates.

versus

NARINDER SINGH & ORS. .....Respondents

Through: Mr. Manoj Chouhan, Mr. Ujjwal Singh Parmar, Mr. Sujay Chhikara and Ms. Neha Raj Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 21.01.2026

1. Heard Mr. Pankaj Kumar, learned counsel appearing for the petitioner.

2. He vehemently submits that looking at all facts and circumstances, more importantly, the repeated observations made by the Court that the respondents do not have authority to call themselves as the officer bearers of the petitioner society, the prayer made in the instant petition deserves to be allowed.

3. He also places reliance on a decision of the Uttarakhand High Court in the case of ***Sherwood Diocesan College Society v. Deputy Registrar of***

Firms and Others.[1] According to him, the said decision was not interfered with by the Supreme Court in a Special Leave Petition preferred against it.

4. Mr. Pankaj Kumar Singh also places reliance on a decision of the Supreme Court in the case of ***St. Mary's Education Society v. Rajendra Prasad Bhargava***.[2]

5. The aforesaid submissions are strongly opposed by Mr. Manoj Chouhan, learned counsel appearing for respondent Nos.1 and 2. He submits that there are various disputed facts and a civil suit bearing C.S. No. 203/2020, instituted by the respondents is pending. He further points out that, earlier, the petitioner had instituted the civil suit bearing C.S. No.1081/2018.

6. The submissions of Mr. Chouhan are that, therefore, under Article 226 of the Constitution of India, the Court should not accede to the prayer made in the petition.

7. The petitioner in the instant petition seeks the following reliefs:

> *"1.) Direct the respondents no. 1 to 6 not to represent themselves as office bearer of the petitioner Society without seeking a declaratory decree from the competent court of law;*
> *2.) Restrain the respondent no. 1 to 6 and their family members and agents to enter the premises of Delhi Technical Campus without an order of competent court of law.*
> *3.) Direct the respondent no. 7 not to receive any document filed by respondent no. 1 to 6 claiming to be office bearer of the petitioner Society for Development of Human Resources without suitable order/decree passed by the competent court of law."*

8. The petitioner is the Society for Development of Human Resources registered under the Societies Registration Act, 1860. The petitioner claims to be running an educational institution, Delhi Technical Campus (DTC) at

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[1] 2021 SCC OnLine Utt 150
[2] (2023) 4 SCC 498

Bahadurgarh, Haryana, affiliated with Maharishi Dayanand University.

9. The case of the petitioner is that respondent No.1, Narinder Singh, a former Treasurer of the Society, despite having been removed from the Governing Body, falsely projected himself as an office bearer by forging election records.

10. It remains undisputed that the civil suit was instituted by respondent no.1 as CS No. 203/2020. The same is pending before the Court of competent jurisdiction. The facts and situations is greatly disputed by the respondents. The Court in the order dated 29.07.2024 in the case of ***Sumir Dhir & Anr. v. Union of India & Ors***.[3] has reiterated the settled legal position that not every dispute involving a society registered under the Societies Registration Act, 1980, is amenable to writ jurisdiction under Article 226. The Court emphasised that for a writ to lie, the body concerned must either qualify as "State" under Article 12 or must be discharging functions of a public nature having a close nexus with sovereign or governmental duties.

11. In Sumir Dhir, the challenge pertained to the cancellation of an election conducted under the bye-laws of a society. The Court found that the dispute essentially related to the enforcement of internal bye-laws, which constituted a contractual arrangement between the society and its members, and that the grievance did not involve any public law element. It was accordingly, held that the writ petition was not maintainable. Paragraph No. 15 of the decision in ***Sudhir Dhir*** is extracted as under:

> *"15. Turning to the factual matrix of the case at hand, undisputedly, what is sought to be enforced is the implementation of byelaws which appear to have been approved by the Government. Applying the tests of*

[3] W.P.(C) 4671/2024

maintainability of the writ petition against the election of a society, as already discussed in the abovementioned judgments, it can be concluded that the instant writ petition is not maintainable. Assumingly, even if respondent no.2 is discharging any public function, the nature of grievance raised in the instant petition does not allude to any involvement of public law. As a natural corollary, the petitioners cannot seek a public law remedy in the absence of discharging any public function qua the issue at hand. The law in this regard is well settled in K.K. Saxena (supra), which unequivocally asserts the position that before issuing a writ of mandamus, the Court has to satisfy itself that the action which is sought be challenged falls under the domain of public law."

12. The decision relied upon be learned counsel appearing for the petitioner in the case of ***St. Mary's Education Society*** does not deal with the issue *qua inter se* disputes between office bearers of a society and the maintainability of a writ petition under Article 226. Similarly, the decision of the ***Sherwood Diocesan College Society*** appears to have emanated from the proceedings in a civil suit. Both the decisions, therefore, would not assist the petitioner.

13. Leaving all questions open to be adjudicated by the Court of competent jurisdiction, the Court does not find it appropriate to accede to the prayer made in the instant petition and the petition is accordingly disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 21, 2026/P/AMG