HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1227 of 2026

Prashant Johari

.....Appellant(s)

Versus

Anil Kumar Awasthi and 5 others

.....Respondent(s)

Counsel for Appellant(s) : Rohit Pandey with Shambhavi Tiwari
Counsel for Respondent(s) : C.S.C., Sanjay Kumar Om

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal is directed against order dated 28 September 2026 passed by learned Single Judge in Writ-C No. 29953 of 2026 whereby, while allowing the writ petition, the impugned order in the writ petition dated 22 June 2026 has been set aside and the Deputy Registrar has been directed to proceed afresh and conduct the election of the Executive Body in a fair, transparent and impartial manner in accordance with law.

2. In relation to the Society in question, respondents no. 1 to 4 made a complaint before the Deputy Registrar, Firms, Societies and Chits, Kanpur Region, Kanpur, alleging that the Managing Committee of the Society in question had become time barred and that no elections were conducted after 2019. The Deputy Registrar, by order dated 26 May 2026, came to the conclusion that the Managing Committee of the Society has become time barred under Section 25(2) of the Societies Registration Act, 1860 and directed holding of fresh elections in accordance with law.

3. The appellant, President of the Society, approached the Deputy Registrar and indicated that the elections were held in 2019, 2023 and 2026 and produced the receipts of the election proceedings from the office of the Deputy Registrar.

4. The Deputy Registrar, by his order dated 22 June 2026, rejected the complaint made and indicated that order dated 26 May 2026 was passed based on the complaint made as the file was missing, and as the documents have been produced, there was no reason for holding the fresh

elections.

5. Feeling aggrieved of the order dated 22 June 2026, the respondents no. 1 to 4 filed Writ-C No. 29953 of 2026.

6. When the matter came up before the learned Single Judge, the learned Single Judge, after hearing the counsel for the petitioners therein and the learned Standing Counsel, came to the conclusion that the order dated 22 June 2026 was without jurisdiction and contrary to the earlier order dated 26 May 2026 and consequently, passed the order, as noticed herein before.

7. Learned counsel for the appellant made submissions that though the appellant was impleaded as party respondent no.3 to the writ petition and though the appellant being the President of the Society was the only affected party in the writ petition, no notice was issued to the appellant and, in absence, the order dated 22 June 2026 has been set aside and therefore, the order passed by learned Single Judge deserves to be set aside.

8. Counsel for the respondents attempted to support the order impugned with the submissions that the order dated 26 June 2026 was *ex facie* without jurisdiction and therefore, the learned Single Judge was justified in passing the order impugned.

9. We have considered the submissions made and have perused the material available on record.

10. Apparently, the Deputy Registrar passed the order dated 26 May 2026 without issuing any notice to the appellant and when the appellant approached the Deputy Registrar along with material to question the order dated 26 May 2026, the order was passed by the authority on 26 June 2026 recalling/setting aside its earlier order dated 26 May 2026, wherein also the respondents herein were not given any notice, when challenge was laid to the order dated 26 June 2026, the order impugned has been passed without apparently affording any opportunity of hearing to the appellant.

11. Admittedly, the order dated 26 June 2026 of whatever nature was in favour of the appellant and therefore, before dealing with the said order/quashing the same, the appellant was required to be heard and passing of the order in the absence, cannot be sustained.

12. Consequently, the appeal is **allowed**. The order dated 28 September 2026 passed by learned Single Judge in Writ-C No. 29953 of 2026 is set aside.

13. The matter is remanded back to the learned Single Judge.

14. Counter affidavit, if any, may be filed by the appellant within a period of three weeks from today.

15. The petition be listed before learned Single Judge on 15 December 2026, **as fresh**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

November 2, 2026
AHA/Sumaira

Digitally signed by :-
AFZAL HUSAIN ABBASI
High Court of Judicature at Allahabad