



2026:AHC:165379-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22474 of 2026

Modern Garden Sahkari Awas Samiti Limited And
Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kripa Shanker Pandey

Counsel for Respondent(s) : C.S.C., Krishna Dutt Awasthi, Ravi
Anand Agarwal

Court No. - 40

HON'BLE SARAL SRIVASTAVA, J.

HON'BLE SUDHANSHU CHAUHAN, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State respondents and Sri Ravi Anand Agarwal, learned counsel appearing for respondent no.2.

2. The petitioners, by means of the present writ petition, have assailed the order dated 08.05.2026 passed by the Additional Housing Commissioner/Additional Registrar, U.P. Awas Evam Vikas Parishad, whereby, in exercise of powers under Section 128 of the U.P. Cooperative Societies Act, 1965, the representation of petitioner no.2 has been rejected.

3. Petitioner no.2 claims to be the Secretary of Modern Garden Sahkari Awas Samiti Limited. It appears that the Committee of Management passed a resolution dated 08.01.2026 for the removal of petitioner no.2 from the office of Secretary. Aggrieved by the said resolution, petitioner no.2 approached respondent no.2 by filing a representation pointing out the illegalities allegedly committed by the Committee of Management while passing the said resolution.

4. In compliance with the proviso to Section 128 of the U.P. Cooperative Societies Act, 1965, respondent no.2 referred the matter back to the Committee of Management for reconsideration. However, the Committee of Management reaffirmed its earlier resolution. Thereafter, respondent no.2-Additional Housing Commissioner/Additional Registrar, U.P. Awas Evam Vikas Parishad, while exercising powers under Section 128 of the U.P.

Cooperative Societies Act, 1965, affirmed the resolution of the Committee of Management and rejected the representation of petitioner no.2.

5. Challenging the impugned order, learned counsel for the petitioners contended that respondent no.2, while exercising powers under Section 128 of the U.P. Cooperative Societies Act, 1965, acts as a quasi-judicial authority and is, therefore, required to adhere to the principles of natural justice. He submitted that the impugned order is a non-speaking order inasmuch as none of the grounds raised by petitioner no.2 challenging the resolution of the Committee of Management have been considered or adjudicated upon by respondent no.2. It is, therefore, contended that the impugned order cannot be sustained in the eyes of law.

6. We have perused the impugned order and find that the grounds on which the resolution of the Committee of Management has been challenged by petitioner no.2 have not been adverted to by respondent no.2 while deciding the representation. Learned counsel appearing for respondent no.2, despite his best efforts, could not demonstrate from the impugned order that respondent no.2 has considered and recorded any finding on the objections raised by petitioner no.2 regarding the illegalities allegedly committed by the Committee of Management while passing the resolution.

7. In view of the aforesaid, we are of the considered opinion that the impugned order cannot be sustained in law and is accordingly set aside. The matter is remanded to respondent no.2-Additional Housing Commissioner/Additional Registrar, U.P. Awas Evam Vikas Parishad, to decide the representation afresh, strictly in accordance with law, after affording due notice and opportunity of hearing to the petitioner no.2 within a period of two months from the date of production of a certified copy of this order.

8. It is further directed that till the disposal of the representation, if any person has been appointed or has been given charge as the Secretary of the Committee of Management of the Society pursuant to the impugned resolution, such arrangement shall remain subject to the final decision to be taken by respondent no.2.

9. It is made clear that this order shall not be construed as expressing any opinion on the merits of any inquiry pending against petitioner no.2. Any such inquiry, if pending, shall proceed independently.

10. The writ petition is, accordingly, allowed to the extent indicated above.

August 6, 2026

Gaurav

(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)