



2026:AHC-LKO:15110-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 88 of 2026

Alok Tikkoo

.....Appellant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Deptt. Of Finance U.P. Lko. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	: Siddharth Nandwani, Prashant Shukla
Counsel for Respondent(s)	: C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Siddharth Nandwani, learned Counsel for appellant, Shri Gaurav Mehrotra, learned Senior Advocate assisted by Shri Akber Ahmad and Ms. Alina Masoodi, learned Counsel for the respondent No.3 and learned Standing Counsel for the State.

2. This is an appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order dated 02.02.2026 passed by the Writ Court in Writ C No.12750 of 2025 (Alok Tikkoo vs. State of U.P. and Others).

3. The appellant herein filed the aforesaid writ petition challenging an order passed by the Deputy Registrar, Firms, Societies and Chits, Lucknow under Section 25(2) of the Societies Registration Act, 1860 (hereinafter referred to as 'Act, 1860') declaring the final electoral college for the elections to the Governing Body of the Resident Welfare Association of Sunbreeze Apartment-1.

4. The Writ Court has dismissed the writ petition as not maintainable on the ground that the process of elections had been set in motion by the impugned order, therefore, no interference could be made especially as there was no lack of jurisdiction nor violation of principles of natural justice.

5. With respect, we wish to differ with the opinion expressed by the

learned Single Judge. This is not a matter of election to the Legislative Assembly or to the Parliament nor is there any such statutory provision. Of course, as a matter of practice ordinarily we do not interfere where the elections process has started, however, no time schedule for election had been prescribed by the Deputy Registrar. He had merely decided the electoral college and in that process has stated that now the elections would be held. After this order, the process of election will start on a schedule of election being issued by the concerned authority of the Resident Welfare Association. Moreover, after hearing the parties what we find is that the claim of the appellant-petitioner is that he is not in arrears of the maintenance dues pertaining to the common area. In this regard, he contends that as per Rule 11 of Uttar Pradesh Real Estate (Regulation and Development) Agreement For Sale/Lease Rules, 2018, one year advance payment of aforesaid maintenance is deposited and this one year is to be calculated from the date of completion certificate which in this case was 30.12.2021, therefore, he says that the dues for the period 30.12.2021 till 31.12.2022 had already been paid in advance and for the period 01.01.2023 and onwards three year advance maintenance as aforesaid was paid to the developer and he has documentary proof in this regard in the form of receipts which he claims to have annexed with this appeal, therefore, according to him the dues as on 31.12.2025, which is the last day of the year preceding the year in which the election to board would take place as the elections are proposed to be held in 2026 i.e. presuming that it will be held in 2026 had already been paid but the Deputy Registrar did not at any point of time confront the appellant-petitioner with the aforesaid reason for non inclusion of his name in the final list of voters for the aforesaid election. Learned Single Judge has also erred in not considering this aspect of the matter and dismissing the writ petition on grounds which were not germane to the controversy at hand.

6. On the other hand, Shri Gaurav Mehrotra, learned Senior Advocate assisted by Shri Akber Ahmad and Ms. Alina Masoodi appearing for the Resident Welfare Association contends that the appellant-petitioner himself had appeared before the Deputy Registrar in representative capacity and submitted certain objections in response to the notice issued

on 17.11.2025, however, on being asked as to whether the Deputy Registrar has considered this aspect as to whether appellant-petitioner before us was in arrears of maintenance dues for open area or not, he accepted the fact that this defence of the appellant-petitioner has not been considered by the Deputy Registrar, however, he says that the plea being raised herein regarding the appellant-petitioner not being in arrears is factually incorrect.

7. We are of the opinion that this plea which is being raised by the appellant-petitioner who is only one of the 299 members who are alleged to be in arrears of maintenance dues for open area, should have been considered by the Deputy Registrar before issuing the final voters list and excluding the name of the appellant-petitioner from it. Purely in the facts of the case, we are of the opinion that the Deputy Registrar should consider this aspect of the matter and thereafter, finalize the entitlement of the appellant-petitioner to be included in the final voters list without any condition of payment of arrears of maintenance dues, if it has already been paid unless he arrives at the conclusion that the same have not been paid, in such eventuality, he can put such a condition as has been put in his order impugned before the Writ Court.

8. We therefore, direct the Deputy Registrar to consider the stand of the appellant-petitioner on an application to be submitted by him in this regard within three days' from receipt of a copy of this order. A copy of the said application shall be furnished by the appellant-petitioner to the Resident Welfare Association through their Counsel Shri Akber Ahmad who shall put in appearance before the Deputy Registrar and the Deputy Registrar shall thereafter decide the dispute within fifteen days' with opportunity to the Resident Welfare Association to submit a response to the application within the same period. If the Deputy Registrar finds merit in the stand of the appellant-petitioner then he will have to revisit and modify the order dated 16.12.2025 which is impugned in these proceedings, accordingly. However, if he finds that the appellant-petitioner, in fact, is in arrears of maintenance dues and not entitled to vote in the elections then the order of the Deputy Registrar dated 16.12.2025 shall remain intact, however, he shall communicate a reasoned decision in this regard to the appellant-petitioner and to the

Resident Welfare Association.

9. For the reasons aforesaid, the impugned judgment and order dated 02.02.2026 is set aside. The appeal is **allowed**. Our order is confined only to the appellant-petitioner herein.

10. The order of the Deputy Registrar dated 16.12.2025 shall abide by the fresh decision to be taken by him as aforesaid in so far as it relates to the appellant-petitioner.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 24, 2026

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