



2026:AHC:57666

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10514 of 2026

Ganga Shiksha Prasar Samiti

.....Petitioner(s)

Versus

State of UP and 8 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Agarwal, Arvind Agrawal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 37

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel for respondent No.1.

2. Other respondents being opponents in the petition under Section 5-A of the Societies Registration Act, 1860 ('the Act of 1860') and having consented to the claim for proposed sale set up by the petitioners, requirement of issuance of notice to them is hereby dispensed with, particularly in view of the nature of the order which is being passed.

2. The petitioner, being a registered Society, is aggrieved by the order dated 03.12.2025 whereby the District Judge, Firozabad has dismissed Misc. Case No.168 of 2025 i.e. application under Section 5-A.

3. Learned counsel for the petitioner submits that agricultural land described in the application being useless to the Society, pursuant to a resolution passed by the Society/Committee, the Society intended to sell the same for beneficial purposes and for that purpose, the aforesaid application was filed in which all the opposite parties offered their written consent, even then, the learned District Judge has dismissed the application.

4. Submission is that though all the documents were on record, raising doubts regarding incomplete description of the property and/or other particulars, the application has been cursorily rejected. It is further submitted that certain documents on record, particularly the resolution of the Society has not been looked into and though the review application

was preferred, the same has also been dismissed.

5. Learned A.C.S.C. submits that in the matters of grant of permission under Section 5-A of the Act of 1860, it is always the discretion of the Court concerned and in case one or the other parameters or aspects are found to be not sufficient for grant of permission, it is always in the discretion of the Court to deny permission and, in the present case, it is not certain as to whether the petitioner is the duly elected Committee of Management, as doubted by the District Judge himself, and as to whether there are some other proceedings pending in relation to the Society dispute. It is further submitted that shortcomings noted in the order impugned were also basis for denial to grant permission.

6. Learned counsel for the petitioner, placing reliance upon order dated 17.10.2008 passed by this Court in **Writ C No.51037 of 2008 (Kishan Education Society v. District Judge, Meerut and others)** submits that even if the case before the Court where application under Section 5-A is lacking in some particulars, instead of rejecting the application, time could be granted to the applicant to make good the deficiencies/shortcomings and, therefore, in the present case also, the same recourse can be followed. In sum and substance, submission is that in case the petitioner is permitted to file fresh application, order impugned in this petition may not be treated as an impediment in fresh consideration of claim.

7. In view of the provisions of Section 5-A read with any other provision of the Act of 1860, principle of *res judicata* may not be applicable i.e. to say that once an application under Section 5-A is rejected on one or the other ground, particularly where certain deficiencies have been noticed, applicant cannot be precluded from putting a fresh claim.

8. In view of the above discussion, while at this stage, this Court does not find any error in the order impugned, however, considering the submissions made, the petition is **disposed of** with the following observations:-

- (i). The petitioner is permitted to file a fresh application with appropriate array of parties and documents in support of its

claim in the light of order impugned dated 03.12.2025;

(ii). In case such an application is filed, the same shall be considered afresh on its own merits without being influenced by any observations made in the order impugned;

(iii). It is made clear that application shall not be dismissed merely on account of previous rejection of the same;

(iv). The order shall be passed within **four months** the date the application is registered before the court concerned.

(Kshitij Shailendra,J.)

March 20, 2026
Jyotsana