



2026:AHC:50033-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
SPECIAL APPEAL DEFECTIVE No. - 756 of 2025

Rahul and 4 others

.....Appellant(s)

Versus

State of U.P., through Principal Secretary and 5 others

.....Respondent(s)

Counsel for Appellant(s)	: Prabhakar Awasthi (Sr. Adv.) with Saurabh Tripathi
Counsel for Respondent(s)	: Rajiv Singh (S.C.), Grijesh Tiwari

Chief Justice's Court

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

1. Heard Shri Prabhakar Awasthi, learned Senior Counsel assisted by Shri Saurabh Tripathi appearing for the appellants, learned Standing Counsel for respondents No.1 and 2 and Shri Grijesh Tiwari, learned counsel appearing for the private respondents.

2. The present appeal is reported to be beyond time by 130 days. An application seeking condonation of delay under Section 5 of the Limitation Act, 1963 has been filed and in the affidavit supporting the application, it is stated that delay has occurred on account of the fact that copy of the election proceedings, as set up by the respondents, was sought from the office of the Assistant Registrar, Firms, Societies and Chits, Prayagraj, which could become available to the appellants on 22.08.2025 and, therefore, delay may be condoned.

3. For the reasons stated in the affidavit, the application is **allowed**. Delay in filing the appeal is hereby condoned.

4. The present appeal is directed against the order dated 08.04.2025 whereby the learned Single Judge has dismissed Writ C No.9686 of 2025 filed by the appellants with an observation that if the petitioner-appellants are so advised, they may challenge the order impugned in appropriate proceedings before appropriate forum.

5. The writ petition was filed by the appellants assailing the orders dated 31.05.2024 and 18.09.2024, both passed by the Assistant Registrar. By the order dated 31.05.2024, list of office bearers of the Society in question for the year 2024-25 was registered under Section 4-B of the Societies Registration Act, 1860 ('the Act') and, by order dated 18.09.2024, objections filed by the appellants against the order dated 31.05.2024 were rejected.

6. Before the learned Single Judge, arguments were advanced on behalf of the appellants that no elections of the Society in question were held after 2005 nor was any list of office bearers registered and, therefore, there being no valid Committee of Management of the Society, induction of two members namely, Deependra Dev and Abhishek Yadav, was illegal and without jurisdiction.

7. The said submissions were opposed on behalf of the respondents not only on the ground of substantial delay in filing the writ petition but also taking aid of certain proceedings and lists of office bearers having been registered from time to time since after 2005.

8. Learned Single Judge, based upon the submissions made, arrived at a conclusion that whether the elections were or were not held since 2005, the same being a question of fact, can be determined on the basis of documentary and oral evidence. It was further observed that question of induction of two members by a valid or invalid Committee of Management, also being a question of fact, the writ petition, at that stage, was misconceived. While dismissing the writ petition, learned Single Judge left it open to the petitioners to challenge the orders in appropriate proceedings before appropriate forum.

9. A supplementary affidavit has been filed on behalf of the appellants in the present appeal bringing on record an order dated 09.12.2025 passed by the Assistant Registrar, whereby list of office bearers of the Society for the year 2025-26 has been registered under Sections 4(1) and 4-B of the Act. A certificate of renewal of registration of Society for period of five years w.e.f. 10.10.2025 has also been appended.

10. Learned Senior Counsel appearing for the appellants has made vehement submissions that no elections pertaining to Society were ever held since 2005 and whatever lists were produced on behalf of the respondents before the learned Single Judge, the same pertain to elections of office bearers of Committee of Management of the educational institution run by the Society. It is further contended that though certain lists of office bearers of Society are shown to have been registered for different years by the Assistant Registrar, the same not being based upon any elections of the Society, the very registration of lists is invalid and, therefore, the learned Single Judge should have at least summoned the record from the office of Assistant Registrar so as to verify as to whether any elections pertaining to the Society were ever held or not.

11. It is further submitted that there was no delay on the part of the petitioners in approaching the writ court, inasmuch as the entire proceedings were held by the respondents in a clandestine manner and behind the back of the petitioners and, therefore, contrary submissions advanced before the writ court were thoroughly misconceived.

12. *Per contra*, learned counsel for the respondents has made submissions that the challenge laid in the writ petition to the order dated 31.05.2024 was wholly baseless, inasmuch as, by the said order, the list of office-bearers of the Society for the year 2024-25 was registered by the Assistant Registrar and since, pursuant to the elections held from time to time, lists of office bearers were continuously registered which

were never challenged by the appellants, there was no substance in the challenge laid to the order dated 31.05.2024.

13. As regards the second order dated 18.09.2024 impugned in the writ petition, submission has been made that by the said order, few-lined objections dated 05.06.2024 preferred by the appellants were rejected by the Assistant Registrar and no such plea was raised in the said objections which is now being sought to be raised in the appeal, as it was never the case of the appellants even before the Assistant Registrar that no elections of the office bearers of the Society were held since after 2005.

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

15. From perusal of the order of the learned Single Judge, we find that writ petition has not been dismissed on the ground of delay/laches, rather the learned Single Judge, after observing that the Court could grant further opportunity to the petitioners to file a supplementary affidavit to explain the delay, thought it appropriate to decide the writ petition finally and dismissed the same for the reasons other than delay. Therefore, we are not going into the question of belated challenge made to the orders impugned in the writ petition.

16. As far as submissions advanced qua election of office-bearers of the Society, we find that at page No. 247 of the paper book of the appeal, list of office bearers of the Society registered for the year 2019-20 is appended and at page No. 250 of the appeal, list registered for the year 2022-23 is annexed. The term of the office bearers of the Society being three years, three lists pertaining to years 2019-20, 2022-23 and 2025-26 (as reflected from the order dated 09.12.2025 annexed to the supplementary affidavit), infer that lists were registered from time to time. As to whether the same are based upon any elections or not, it cannot be decided at this stage as nothing was brought either before the writ court or before us as to whether at any point of time, the appellants challenged the registration of lists for the year 2019-20 or 2022-23 on any ground whatsoever. Therefore, raising a challenge to the latest

registration of list, *prima facie*, appears to be an afterthought and once the learned Single Judge has already left it open for the appellants to avail appropriate remedy before appropriate forum, we do not find any good reason to take a different view of the matter.

17. As regards challenge to the order dated 18.09.2024 in the writ petition, we find sufficient force in the submissions made on behalf of the respondents that the said order dealt with objections dated 05.06.2024 which were only to the effect that allegedly forged affidavits of certain persons were produced before the Assistant Registrar. For a ready reference, objections dated 05.06.2024 filed on behalf of the appellant No.2 are reproduced as under:-

"सेवा में,

दिनांक- 05/06/2024

सहायक निबन्धक

फर्म्स सोसाइटीज एण्ड चिट्स

ए-201, मेहदौरी कालोनी, तेलियरगंज, प्रयागराज

महोदय जी,

निवेदन है कि संस्था शिक्षा समिति दसेर, भूपतपुर, हण्डिया, प्रयागराज पत्रावली संख्या आई-17271 की साधारण सभा की सूची वर्ष 2024-25 प्रबन्धक द्वारा मनमाने तरीके से स्वयं मेरा, श्रीमती लीलावती, श्री शास्वत, श्री मयंक यादव, श्री पन्नालाल यादव, श्री राम सिंह, श्री अतुल कुमार और श्री हरिश्चन्द्र यादव का फर्जी हस्ताक्षर किया हुआ शपथ पत्र लगाकर अनुमोदित करा ली गई है।

अतः आप महोदय से निवेदन है कि उक्त मामले को संज्ञान में लेकर उचित कार्यवाही करते हुए साधारण सभा की सूची वर्ष 2024-25 निरस्त करने की कृपा करें।

आई-17271

भवदीय

ह०अ०

संगीता

(उपप्रबन्धक)

शिक्षा समिति दसेर, भूपतपुर,
हण्डिया, प्रयागराज"

18. The Assistant Registrar, while rejecting the objections by order dated 18.09.2024, took note of the stand taken before him by the rival parties and without expressing any opinion on the merits of the said order, particularly in view of the liberty granted by the learned Single

Judge to assail the same before appropriate forum, we are of the considered opinion that once the appellants did not raise any such plea in their objections dated 05.06.2024 regarding non-holding of elections since after 2005, submissions advanced on that line for the first time, either in the writ petition or in the present special appeal, cannot be appreciated.

19. In view of the aforesaid facts and circumstances, if the learned Single Judge, in his discretion, has declined to grant any relief to the petitioners and has granted them liberty, as aforesaid, we find the discretion so exercised requiring no interference in special appellate jurisdiction.

20. The appeal has no merit and the same is, accordingly, **dismissed**.

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

March 11, 2026
Jyotsana