



2026:AHC:50216-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 976 of 2025

Committee of Management of Madhuban Shiksha
Samiti and another

.....Appellant(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Counsel for Appellant(s)	: G.K. Singh (Sr. Adv.) with Utsav Singh, Hritudhwaj Pratap Sahi
Counsel for Respondent(s)	: Meenakshi Singh, AC.S.C., Vinod Kumar Pandey, Ashutosh Ganguli

Chief Justice's Court

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

1. Heard Shri G.K. Singh, learned Senior Counsel assisted by Shri Utsav Singh, appearing for the applicants-appellants, learned Standing Counsel for respondents no. 1 and 2 and Shri Vinod Kumar Pandey, learned Counsel appearing for respondents no. 4, 5 and 6.

2. The present intra-court appeal is directed against the order dated 09.10.2025, whereby the learned Single Judge has disposed of Writ-C No. 34322 of 2025 (Committee of Management Madhuban Shiksha Samiti and 2 others Vs. State of U.P. and 3 others) filed by the private respondents and set aside the order dated 12.06.2025 passed by the Assistant Registrar, Firms, Societies and Chits, Agra with an observation that legal consequences shall follow. Learned Single Judge has also sent the matter to the Registrar, Firms, Societies and Chits, Agra Region, Agra to proceed further in accordance with law.

3. An application supported by affidavit, seeking leave to file appeal has been filed stating therein that under the orders dated 12.06.2025 and 19.06.2025 impugned in the writ petition, it was applicant-Committee of Management that was recognized as the valid Committee of the Society and though it was a necessary party, it was not impleaded as a respondent in the writ petition and, therefore, leave to file appeal be granted.

4. Submission has been made that in the array of the writ petition, though

the Manager and President of the Committee were impleaded in their personal capacity, the writ petition, in absence of Committee of Management as a party thereto, was defective and though such argument was advanced before the learned Single Judge, the order was reserved after hearing the parties but the said aspect has not been dealt with while disposing of the writ petition.

5. Having heard learned counsel for the parties, we find substance in the submissions made and, in view of the fact that the order impugned in the writ petition was passed in furtherance of an order dated 01.08.2024 passed by this Court in Writ-C No. 22711 of 2024 filed by the applicant-appellants, non-impleadment of the Committee was a fatal defect in the writ petition.

6. In view of the above, the application for leave to file appeal is **allowed**. The applicants are granted leave to file the present appeal.

Order on Appeal

7. Learned Senior Counsel appearing for the appellants has made submissions that at an earlier point of time, a list of members/office bearers of the appellant-Committee of Management was registered, however the same was illegally cancelled by the Assistant Registrar by an order dated 26.06.2024 with a direction for filling the vacancies in accordance with the provisions of the Bye-laws of the Society. The said order was set aside by this court vide order dated 01.08.2024 passed in the appellants' Writ-C No. 22711 of 2024 mainly on the ground of violation of principles of natural justice and the matter was remanded back to the Assistant Registrar to decide the same afresh.

8. Submission has been made that pursuant to the said order of the writ court, the Assistant Registrar, after making extensive analysis of the rival claims and the material available on record, rejected the complaints filed by the respondents and directed registration of appellants' list of office bearers for the year 2025-26 by an order dated 12.06.2025. It is contended that without recording any finding on the rival contentions qua office bearership, the writ petition has been decided in a cursory manner discussing those aspects which did not form subject matter of controversy

between the parties and, therefore, the order of the learned Single Judge may be set aside.

9. Per contra, learned counsel for the respondents has made submissions that the main issue involved in the matter was qua the alleged Presidentship of one Maharaj Singh and the decisions taken by him in respect of induction of Gopal Prasad (respondent no. 3 in the writ petition) as a member and elect him as Manager and once the learned Single Judge has arrived at a conclusion that no finding was recorded by the Assistant Registrar as to how Maharaj Singh was shown as President, the order of the Assistant Registrar as well as proceedings qua induction of Gopal Prasad were rightly found to be illegal and, therefore, no interference is warranted in the order passed by the learned Single Judge.

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

11. It is not in dispute that the list of office bearers of the Committee of Management of the appellants' society was registered in the office of Assistant Registrar. However, when the same was cancelled on 26.06.2024, the said order was assailed by the appellants in Writ-C No. 22711 of 2024, which was allowed by order dated 01.08.2024 setting aside the order of cancellation of list and the Assistant Registrar was directed to re-decide the matter after providing opportunity of hearing to the parties.

12. The Assistant Registrar, in the order dated 12.06.2025, made detailed discussion of the aspects raised through complaints made by the respondents and also the response given by the appellants. *Prima facie*, the Court does not find any discussion either in the earlier order passed in Writ-C No. 22711 of 2024 or in the order dated 12.06.2025 passed by the Assistant Registrar qua status of Maharaj Singh. Rather the controversy was otherwise, i.e. based upon the documents produced by the rival parties which reflected filling up of vacancies.

13. From perusal of the detailed order dated 12.06.2025, we are of the view that the challenge laid to the same should have been decided not only after impleading the Committee of Management as a party

respondent but also after exchange of affidavits, however the learned Single Judge, after reproducing the earlier order passed in Writ-C No. 22711 of 2024 and some portion of the order dated 12.06.2025 passed by the Assistant Registrar, has directly arrived at a conclusion that no finding had been recorded as to how Maharaj Singh was shown as President when Gopal Prasad was inducted as a member.

14. Learned Single Judge has also observed that the impugned order is mainly based upon one portion of the statement made by Rajesh Kumar (one of the petitioners) and in ignorance of larger part of the said statement. Learned Single Judge has also referred to record of some criminal case and decided the writ petition by observing that the order impugned had been passed in a cursory manner without looking into real dispute between the parties. While setting aside the order dated 12.06.2025, learned Single Judge has observed that legal consequences shall follow and, thereafter, the matter has been sent to the Registrar to proceed in accordance with law.

15. Such kind of observations made and the conclusion drawn by the learned Single Judge, in our opinion, would create not only complications but would also lead the parties to nowhere. In our opinion, what was required to be done in the writ petition was to invite response from the respondents therein including the Committee of Management which had not been impleaded as a party, though the order impugned was in its favour and, then, decide the matter based upon the dispute between the rival parties and not simply by referring to one or other part of statement of one or other person or status of Maharaj Singh as President and his act of inducting member(s).

16. In view of the record of proceedings and the order impugned, we are inclined to set aside the order of the learned Single Judge and restore the writ petition for hearing on merits and, that too, after impleadment of present appellant Committee of Management as party respondent in the said writ petition.

17. Accordingly, the appeal is **allowed**.

18. The order dated 09.10.2025 passed by the learned Single Judge is

hereby **set aside**.

19. Writ-C No. 34322 of 2025 is restored to its original number and status.

20. The writ petitioners are directed to implead the appellant Committee of Management as party respondent in the writ petition within a period of ten days from today.

21. The appellants shall file counter affidavit in the writ petition within a period of three weeks from the date of their impleadment.

22. The writ petition shall be listed before the learned Single Judge on **16.04.2026 as a fresh case**.

23. It is made clear that we have not expressed any opinion on the merits of the rival claims and contentions of the parties qua the orders impugned in the writ petition which shall be decided by the writ court on its own merits.

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

March 11, 2026

AKShukla/-