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**(2015) 06 AHC CK 0030**  
**In the Allahabad High Court**  
**Case No : W.P. No. 3395 of 2015 (M/S)**

Satyaveer Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 17-06-2015

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2015) 113 ALR 521

**Hon'ble Judges :** Rajan Roy, J.

**Bench :** Single Bench

**Advocate :** I.P. Singh and Subhash Singh, for the Appellant; Rakesh Kumar, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Rajan Roy, J.—Heard Sri I.P. Singh, learned Counsel for the petitioner as well as Sri M.B. Singh learned Counsel for opposite party No. 4 and Standing Counsel for other opposite parties. The petitioner herein claim themselves to be members of the general body of the society relating to the college in question. By means of this writ petition they have challenged the order dated 25.5.2015 passed by the Deputy Registrar Firms, Societies and Chits, Faizabad declaring the final list of members of the general body in pursuance to his earlier order dated 26.3.2015 by which the Committee of Management of the society was declared time barred under section 25(2) of the Societies Registration Act, 1860 with effect from 10.8.2006 and all proceedings of the society thereafter were declared to be null and void and a tentative list of members of the general body was notified.

2. The tenure of the committee of management of the society in question is one year and this fact is not in dispute. A copy of the order dated 26.3.2015 has been placed by Sri M.B. Singh before the Court which has not been annexed with the writ petition. The said order reveals a categorical finding having been recorded therein that the last election of the committee of management of the society was held in the year 2005. The tenure being of one year no election

having been held thereafter, the committee of management of the society became time barred under section 25(2) of the Act 1860 with effect from 10.8.2006. Thereafter election proceedings relating to the alleged election of 10.8.2013 were submitted. However, as the committee of management had already become time barred on 10.8.2006, therefore, all proceedings done thereafter, including the alleged election set up by Sri Dharendra Kumar Singh in 2013 were void ab initio. Based on the aforesaid finding the Deputy Registrar notified the tentative list of members of general body based on the list of 23 members of the general body who were members upto 2006.

3. The petitioners herein submit that they did not receive the tentative list of the members of the general body as contained in the order dated 26.3.2015, therefore, they were deprived of their right to file objection and assert their membership of the general body that they were enrolled members for the year 2013-14, thereby causing grave prejudice. They have now filed the writ petition challenging the order dated 25.5.2015 by which final list of the members of the general body has been notified and their names do not figure in the same.

The contention of learned Counsel for the petitioners is that a list of 41 members of the general body was admittedly approved and elections were held in the year 2013 whereupon Sri Dharendra Kumar Singh submitted a list of office bearers before the Deputy Registrar who accepted the same vide order dated 19.12.2013. Therefore, it was not open for the Deputy Registrar to review the said order and pass a fresh order dated 25.5.2015 declaring the members of the general body excluding those who were enrolled after 2006, specially in the year 2013 when Sri Dharendra Kumar Singh was Manager of the society. He submitted that none of the allegations of fraud were found to be true, therefore, the impugned order is not sustainable.

4. Sri M.B. Singh who appears for the private respondent submitted that the election schedule has already been notified and in view of various pronouncements of the Supreme Court no interference is called for under Article 226 of the Constitution of India in such an eventuality. He invited the attention of the Court to the election schedule declared on 25.5.2015, a copy of which is at page 39 of the writ petition. He further submitted that the last election of the committee of management was held in the year 2005. Thereafter no elections were held except the elections held on 10.8.2010. As the tenure of the committee of management as per bye-laws was one year the said period expired in the year 2006, therefore, in absence of any election the committee of management became time barred and was accordingly declared as such by the Deputy Registrar vide order dated 26.3.2015 passed under section 25(2) of the Act 1860 and all proceedings of the society held thereafter including the election dated 10.8.2010 and the alleged election of 10.8.2013 set up by Dharendra Kumar Singh were declared to be void ab initio. Based on the finding contained in the order dated 26.3.2015 the tentative list of the members of the general body was issued containing the names of the members of the general body upto the

year 2006 i.e., till the valid committee of management was functioning, and objections were invited. The petitioners herein admittedly did not submit any objection. Sri Dhirendra Kumar Singh, the alleged Manager of the society, who is said to have enrolled the petitioners as members of the general body in the year 2013, challenged the order dated 26.3.2015 before this Court by means of Writ Petition No. 2181 (MS) of 2015 but this Court did not interfere with the same, however, granted liberty to the petitioner therein to file objections before the Deputy Registrar which were directed to be decided within a period of two weeks. The Court further ordered that after deciding the objections the Registrar/Deputy Registrar shall proceed to finalize the election under section 25(2) of the Act 1860 expeditiously and preferably within a period of one month thereafter. After considering the objections the impugned order has been passed issuing final list of the members of the general body containing the names of 18 persons which does not include the names of the petitioners and the election schedule has also been notified on 25.5.2015. The elections are scheduled to be held tomorrow i.e., 18.6.2015. Sri Dhirendra Kumar Singh having failed in his endeavor to obtain any relief against the order of Deputy Registrar dated" 26.3.2015, has now managed to file this proxy petition through the petitioners wherein the order dated 26.3.2015 and the findings contained therein have not been challenged. He submitted that Dhirendra Kumar Singh acted fraudulently in submitting a fabricated list of members of the general body before the Deputy Registrar when he was not even a member of the society, as has been held by the Deputy Registrar, therefore, prayed for rejection of the writ petition.

5. Learned Standing Counsel submitted that the election schedule having been notified no interference should be made by this Court.

6. Considering the contentions of rival parties and perusing the record I find that the order dated 26.3.2015 was not interfered with by this Court in Writ Petition No. 2181 (MS) of 2015 filed by the alleged committee of management through its Manager Dhirendra Kumar Singh. The petitioners herein admittedly were enrolled during the alleged tenure of Dhirendra Kumar Singh, therefore, their claim of membership is virtually based on the validity of the claim of Dhirendra Kumar Singh. Sri Dhirendra Kumar Singh has not come forward to challenge the order dated. 25.5.2015. A perusal of the order of Deputy Registrar dated 26.3.2015 passed under section 25(2) of the Act 1860 reveals that the committee of management of the society was declared time barred with effect from 10.8.2006 and all proceedings of the society held thereafter were declared to be null and void in absence of a valid committee of management. These findings contained in the order dated 26.3.2015 were never challenged by the petitioners. They were challenged by Dhirendra Kumar Singh by means of the aforesaid writ petition but the same were not interfered with and a liberty was granted to file objections. The objections have been decided by means of the impugned order. On a perusal of the order dated 26.3.2015 I do not find any error therein as far as declaration of the committee of management as time barred with effect from 10.8.2006 is concerned. All proceedings held thereafter

including enrollment of members by Dhirendra Kumar Singh, were invalid as such exercise could only be done by a validly elected office bearers of the committee of management. In fact the said order indicates that the membership of Dhirendra Kumar Singh himself was not established. He is said to be an employee of the college till 2001 and for the first time he set up a claim of being a manager of the institution/society based on the election held in the year 2013. It is Dhirendra Kumar Singh who is said to have enrolled 20 new members in the proceedings held on 21.4.2013 including the petitioners herein. Considering the findings recorded by the Deputy Registrar in the order dated 26.3.2015 I do not find any error in the impugned order dated 25.5.2015. Moreover, the election schedule has already been notified. In these circumstances I do not find any valid ground for interference under Article 226 of the Constitution of India. It is, however, left open to the petitioners to raise their, grievance before appropriate forum for its redressal, uninfluenced by the observations made hereinabove. With the aforesaid observations the writ petition is dismissed.