



2026:UHC:3414-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

6th May, 2026

Special Appeal No. 140 of 2026

Col. Retd. Ranjeet Singh

-----Appellant

Versus

Registrar, Firms Societies and Chits Uttarakhand and others

-----Respondents

Presence:-

Mr. Pankaj Miglani, leaned counsel for the appellant.

Mr. Mr. J.C.Pande, learned Standing Counsel for the State/respondents no. 1 & 2.

Mr. Parikshit Saini, learned counsel for the respondent no.3.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. Heard Mr. Pankaj Miglani, leaned counsel for the appellant, Mr. J.C.Pande, learned Standing Counsel for the State/respondents no. 1 & 2 and Mr. Parikshit Saini, learned counsel for the respondent no.3.

2. The present *intra court* appeal has been filed against the order dated 27.04.2026, passed by learned Single Judge in Writ Petition (M/S) No. 402 of 2023, by which, interim order dated 17.02.2023 has been extended till the next date i.e. 14.07.2026. Interim order dated 17.02.2023 is as follows:

" In the interregnum, the effect and operation of the order dated 28.01.2023(Annexure No. 21 to the writ petition) passed by respondent no. 2 shall remain stayed.

Stay application (IA No. 01 of 2023) stands



disposed of."

3. Learned counsel for the appellant invited our attention towards the fact that on the impleadment application filed by the appellant in the writ petition, the Court granted time to non-appellant no.3 to file objection. The interim order was only for a limited duration and it was not extended after 03.01.2024. On 17.10.2024, learned Single Judge passed a specific order that the impleadment application would be considered on the next date along with connected matters. He submits that on 01.09.2025, the Court noted in its order the fact that by order dated 11.01.2024 it had appointed Additional District Magistrate, Haridwar as Election Officer to conduct election of Aarogyam Residents Welfare Association. In pursuance of the said order, election has been conducted. After noting the said fact, the Court directed the Additional District Magistrate to declare the result of the election at the earliest possible. He submits that in pursuance of the said direction, result was declared and a certificate was issued on 20.09.2025 in favour of the elected persons. The appellant was elected as President and he was permitted to take charge of the newly formed body vide letter dated 27.10.2025. The same



was put to challenge by non-appellant no.3 in WPMS No. 3186 of 2025, and finally the said writ petition was got withdrawn by the petitioner on 06.01.2026. It is submitted that the learned Single Judge instead of passing order on the impleadment application and taking notice of the facts mentioned in the affidavit dated 19th April, 2026, that fresh election has taken place and the appellant has been elected as President has simply extended the interim order dated 17.02.2023, which according to learned counsel for the appellant had ceased to subsist in view of the subsequent orders.

4. Learned counsel for respondent no.3 submits that in other connected matters, there was specific order for not declaring the result of fresh election without leave of the Court and that other appeals are also pending. He thus submits that the instant matter be taken up along with other appeals.

5. Learned counsel for respondent no.3 does not dispute that the interim order granted by this Court initially on 17.02.2023 was not extended after 03.01.2024. He also does not dispute that on 11.01.2024, with consent of learned counsel for the parties, Additional District Magistrate, Haridwar was



appointed as Election Officer to conduct the election of the society as per byelaws within three months. For ready reference, the said order is extracted herein below:

"1. Mr. A.S. Rawat, learned Senior Counsel, assisted by Mr. Harshvardhan Dhanik, learned counsel for the petitioners; Mr. Parikshit Saini, learned counsel for the petitioner in connected WPMS No. 402 of 2023; Mr. Suyash Pant, learned Standing Counsel for the State and Mr. Pradeep Kumar Chauhan, learned counsel for the caveator.

2. By the instant writ petition, relief is being sought for the appointment of an Administrator in a society, namely, Aarogyam Residents Welfare Association for the purpose of conducting the election of the governing body of the society.

3. With the consent of learned counsel for all the parties, for an interim measure, the Additional District Magistrate, Haridwar is appointed as an Election Officer to conduct the election of the society as per bye-law within three months. During this period, the A.D.M will prepare a list of the members by inducting the persons who are occupying or in possession over the flat as per the bye-laws of the society.

4. The Additional District Magistrate, who is appointed as an Election Officer, will conclude the election process within the aforesaid period as per the bye-laws of the society.

5. It is also made clear that the present/existing members of the society will cooperate with the Additional District Magistrate and simultaneously all persons who are occupying the flats, will also cooperate. If any of them will not cooperate with the Additional District Magistrate, the learned Standing Counsel, who represents the A.D.M, will move an application for an appropriate direction.



6. It is also made clear that the result of the election shall not be declared and the same shall be kept in a sealed cover and the same would be subject to the decision of these three writ petitions.

7. It is also made clear that since this society is meant for the welfare of the occupiers of the flats, therefore, this Court is of the view that each of the flat owners or the occupiers, inducted as a member of the society as per the bye-laws, have right to cast the vote.

8. List all these matters on 29.02.2024 for final disposal.”

6. It is also not in dispute that in pursuance of the order appointing Additional District Magistrate, Haridwar as Election Officer, elections were duly held and thereafter, on 01.09.2025, a specific order was passed directing the Additional District Magistrate to declare result of the election at the earliest possible.

7. It has also remained undisputed that in the election conducted by the Additional District Magistrate in pursuance of orders passed in writ petition from time to time, the appellant herein came to be elected as President. The said fact was placed on record by the appellant by means of his affidavit dated 19th April, 2026 filed along with Urgency Application and another Interlocutory Application filed on the same day praying for dismissing the writ petition as infructuous. In paragraph 5 of the application, it was stated that in



view of subsequent development, the writ petition had been rendered infructuous and it be dismissed as infructuous. It appears from the record that while the impleadment application filed by the appellant and other persons, as well as the application for dismissing the writ petition as infructuous remained pending, the matter was again listed before learned Single Judge on 27.04.2026, and on the said date, the impugned order was passed, which is as follows:

- “1. Mr. Parikshit Saini, learned counsel for the petitioner.*
- 2. Mr. Devendra Pant, learned S.C. for the State.*
- 3. Mr. Pankan Miglani, learned counsel for applicant in Impleadment Application (IA /2/2023).*
- 4. List this matter on 14.07.2026.*
- 5. Interim order dated 17.02.2023 is extended till the next date.”*

8. Normally, we would have not entertained any appeal against an order extending the interim order, but in the facts of the instant case, noted above, we feel persuaded to intervene. The interim order has been extended without considering the fact that subsequently fresh election has been held in pursuance of orders passed by the Writ Court itself and in which appellant was elected as President. The extension of the interim order has resulted in up-setting the position prevailing on the said date.



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9. Accordingly, the impugned order is set aside.

The learned Single Judge is requested to decide the impleadment application and the application filed along with it with prayer to dismiss the writ petition as infructuous before entertaining any request for extension of the interim order.

10. The special appeal stands disposed of accordingly.

11. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.05.2026
Kaushal