



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 13849 of 2026

Committee Of Management, Tp Memorial Society
And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ritika Tiwari, Saurabh Tripathi, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Shri Prabhakar Awasthi, learned Senior Counsel, assisted by Ms. Ritika Tiwari, learned counsel for the petitioners and Shri R.K. Ojha, learned Senior Counsel, assisted by Shri Anirudh Ojha, learned counsel for the respondent no.4.

2. Learned counsel for the petitioner has submitted that this Court, vide its order dated 23.08.2023 passed in Writ-C No. 22596 of 2023, had directed that in view that the order dated 08.05.2023 has not been challenged by any of the parties, empowering the Manger alone to convene the meeting; it had kept it open for the respondents to approach the Assistant Registrar seeking modification of the order dated 08.05.2023; and further in Special Appeal No. 644 of 2023, preferred by Shri Anurag Upadhyay and others, it was provided that a fresh meeting will be called after issuing notices to the members of the society fixing 27.01.2024, and the date and notices would be given to all the members as per the by-laws and an appropriate decision would be taken on the issue as to whether any amendment in the by-laws is required or not. It was also kept open for the parties to request the Assistant Registrar to depute an independent person to observe such proceeding.

3. Learned counsel for the petitioner further submits that an agenda was issued by him fixing 27.01.2024, on 16.01.2024. The respondents herein had approached the Assistant Registrar for appointing an observer which was also done on 24.01.2024; and the information of which was also

given to the petitioner on 26.01.2024.

4. It appears that the meeting was convened but the petitioner had already cancelled the said meeting on 27.01.2024.

5. In the aforesaid eventuality, the observer has submitted its report on 27.01.2024, and having come to know about the same, an objection was filed by the petitioner. Learned counsel for the petitioner has submitted that it is noteworthy that the report was only with respect to the agenda pertaining to amendment in the by-laws and it nowhere discusses the expulsion of any member. However, when an application was made to the Registrar, an amended list of office bearers for the year 2024-25 was also given along with amendment said to have been made in the meeting held on 27.01.2024; and he has proceeded to register the amended list of office bearers along with the amendment as per the meeting dated 27.01.2024.

6. The petitioner had filed an objection against the meeting held on 27.01.2024 and the Assistant Registrar, vide its order dated 09.12.2024, approved the proceedings dated 27.01.2024 and registered the amendment along with the amended list of members. In Paragraph no.52 of the affidavit filed along with aforesaid writ petition, it has been specifically averred by the petitioner that the order dated 09.12.2024 was not made available to him nor any notices were issued; and accordingly when he was prevented from entering the institution, he inspected the file on 30.12.2025 and thereafter applied for a certified copy of the order dated 09.12.2025, which was also issued on the same day i.e. 30.12.2025. He has also submitted that assailing the notice dated 04.07.2024 which was issued by the Assistant Registrar, he has filed Writ-C No. 11457 of 2025 and this Court held, vide its order dated 01.05.2025, considering the question as to whether meeting was called upon by a competent person in compliance of the order of this Court in Special Appeal No. 644 of 2023, which is a question of fact, can be determined by the Assistant Registrar and since he was ceased with the matter, the Court declined its interference, and against the said order, Special Appeal No. 480 of 2025 is pending.

7. In view of the aforesaid facts, while relying upon the proviso to Section

4 of the Act, 1860, the learned Senior Counsel for the petitioner has submitted that in case there is a change in the managing body, the counter signature of the old members, shall be obtained; and in case the old members do not countersign the list, it is incumbent upon the Registrar to issue a public notice to such members, as he thinks fit inviting the objection within a specified period and shall decide all the objection received within the said period. On the strength of the aforesaid proviso to Section 4 of the Act, 1860, learned counsel for the petitioner has submitted since he was acting as a Manager which was an undisputed fact and in case any removal was proposed, firstly he ought to have been given notice and an agenda ought to have been taken up by the General Body of the Committee of Management and even thereafter in case without any opportunity or notice, any resolution has been passed and placed before the Assistant Registrar, it was incumbent upon the Assistant Registrar to issue notice to the effected members, which has not been done.

8. At this stage, Shri R.K. Ojha, learned Senior Counsel submits that he shall be required to take instructions on the said issue and therefore he seeks accommodation.

9. List this case on 17.04.2026, as fresh in top-10 cases.

(Siddharth Nandan,J.)

April 10, 2026

Sumit K.