



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)	: Aniruddha Ojha, C.S.C., Shivendu Ojha

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. The present writ petition has been filed seeking issuance of writ of certiorari to quash the impugned order dated 09.12.2024 annexure-35 to the writ petition passed by the Assistant Registrar, as well as, the amended list of office bearers of 2024-25 having been registered on 09.12.2024 under Section 4(1); and also the amended list of Members of 2024-25 having been registered on 09.12.2024 in terms of Section 4-B of the Societies Registration Act, 1860.

2. The admitted position between the parties, which emerges from the judgment dated 05.01.2024 in Special Appeal No.644 of 2023, wherein, this Court considering that the respondent-Manager has no objection in calling for a meeting of a General Body to discuss the issues of amendment in the bye-laws, and the dispute raised can be given a quietus, a fresh meeting was directed to be called by the Manager.

3. Learned counsel appearing for the respondent-Manager had also agreed to call the fresh meeting after issuing notices to the Members of the Society on 27.01.2024; and in view of the aforesaid, the aforementioned Special Appeal No.644 of 2023 was disposed off in the following terms:

"7. Without further entering into the factual issues, we are of the opinion that as the respondent Manager has no objection in calling for a meeting of general body to discuss the issues of amendment in the bye-laws, the dispute raised can be given a quietus, if a fresh meeting is directed to be called by the Manager. Both the counsels

are agreeable to such a suggestion.

8. Sri Prabhakar Awasthi, appearing for the respondent Manager states that a fresh meeting would be called after issuing notices to the members of society fixing 27.1.2024, as the date. Notices would be given to all members as per the bye-laws and an appropriate decision would be taken on the issue as to whether any amendment in the bye-laws is required or not. It would be open for the parties to request the Assistant Registrar to depute an independent person to observe such proceedings.

9. In light of the above observations and with the consent of learned counsel for the parties, the present special appeal stands disposed of."

4. In compliance of the consent order dated 05.01.2024, one Shri Krishan Kant Upadhyay, who was admittedly the Manager had issued an agenda on 16.01.2024. The agenda is reproduced below:

" सुचना

संस्था टी. पा. मेमोरियल सोसायटी, प्रयागराज के साधारण सभा की विशेष बैठक दिनांक 27/01/2024 को सुबह 10 बजे 286/3 बी.एच.एस. अल्लापुर, प्रयागराज में माननीय उच्च न्यायालय इलाहाबाद के आदेश दिनांक 5/01/2024 से होगी ।

1- पिछली कार्यवाही की पुष्टि पर विचार

2. सहायक रजिस्ट्रार प्रयागराज के आदेश दिनांक 23/09/2023, 30/09/2023 और 27/10/2023 द्वारा कार्यवाही रजिस्टर अनुराग उपाध्याय द्वारा ना देने पर विचार ।

3. प्रबन्धक द्वारा रजिस्टर्ड पोस्ट से प्रेषित पत्र दिनांक 15/05/2023 ने पूर्व की फर्जी बैठकों में फर्जी हस्ताक्षर पर पूछे गए प्रश्नों पर सदस्य श्री राम पाठक, अमरनाथ तिवारी , ओंकारनाथ दुबे, हरीश शर्मा, माला सेवक दुबे द्वारा उत्तर ना देने पर विचार ।

4. प्रबन्धक द्वारा 15/05/2023 की कार्यवाही पर विचार ।

5- संस्था के साधारण सभा में नये सदस्य बनाने पर विचार ।

6- संस्था की पंजीकृत नियमावली में संसोधन करना है या नहीं इस पर विचार । "

5. However, it further transpires that an observer was also appointed, to oversee the meeting; but however, the learned counsel for the petitioner has submitted that he was not satisfied with the observer as there was every possibility for him to collude, therefore, he had cancelled the meeting, which was scheduled to be held on 27.01.2024.

6. Per contra, Shri R.K. Ojha, learned Senior Counsel appearing for the respondents has submitted that as per bye-laws clause-8, on non-completion of the quorum a second meeting can be called upon and in such an eventuality the restriction of quorum does not apply but it is provided that the agenda cannot be changed. For ready reference clause-8, which pertains to quorum is reproduced below:

"प्रबन्धकारिणी समिति की गणपूर्ति के लिये 2/3 सदस्यों की उपस्थिति आवश्यक होगी परन्तु गणपूर्ति के अभाव में एक बैठक स्थगित होने पर पुनः बुलाई गई दूसरी बैठक के लिये कौम का कोई भी प्रतिबन्ध न होगा और एजेण्डा पूर्ववत् बना रहेगा। किसी नये विषय पर विचार नहीं किया जायेगा।"

7. Various counter arguments have been raised with respect to the proceedings, which ensued during the second meeting, resulting into passing of the resolution with respect to the agenda dated 16.01.2024.

8. Learned counsel for the petitioner placing reliance upon his objection dated 27.01.2024 and 29.01.2024, has vehemently submitted that the meeting held on 27.10.2024 was only a farce, as no decision was taken on the agenda no.2, 3, 4 and 5; as far as agenda no.1 was concerned, the objection of the said Krishan Kant Upadhyay, who was admittedly the Manager, in relation to his expulsion and the meeting dated 03.06.2023, which was already set aside by this Court, was not taken into account.

9. He has also placed reliance on objection dated 29.01.2024 that certain advocates rigged the meeting and were seen in collusion with the said observer namely Rag Virag Tripathi as apprehended; and a video recording has also been made, which would justify the objections and the collusive nature of the meeting, which is said to have been held on 27.01.2024.

10. However, at this stage, Shri Prabhakar Awasthi, learned Senior Counsel appearing for the petitioners and Shri R.K. Ojha, learned Senior Counsel appearing for the respondents have agreed that in case, a meeting is recommended in the presence of an Advocate Commissioner, they have no objection to the same and since most of the Members are within the same family, the allegations and the per contra arguments may not be required to be addressed; and also as they accept the position which emanates from the order dated 05.01.2024 passed in Special Appeal

No.644 of 2023, the controversy shall be settled, once and for all.

11. In view of the aforesaid, both the learned Counsels have proposed the name of Shri Pankaj Govil, Advocate and he may carry out the responsibility of an observer of the meeting, which they propose to be called upon on 10.05.2026. It has been agreed by the parties that they will provide list of 15 Members to Shri Pankaj Govil, Advocate along with their contact numbers.

12. Shri Pankaj Govil, Advocate is requested to send notices by post, as well as, inform the Members about the meeting which is proposed to be held on 10.05.2026, telephonically; and in addition to the aforesaid mode of service, the agenda and date of meeting may also be notified by way of newspaper publication in one English and one Hindi, widely circulated newspapers. They have also agreed that the meeting shall be convened within the campus of T.P. Memorial Vidyalaya Mandir Inter College, Jhunsi, District Prayagraj.

13. The cost of newspaper publication, as well as, for making necessary arrangements including videography of the meeting shall be borne by the Principal of the T.P. Memorial Vidyalaya Mandir Inter College, Jhunsi, District Prayagraj from his miscellaneous funds.

14. Both the parties have agreed to provide the remuneration of Rs. 25,000/- within a period of one week from today to Shri Pankaj Govil, Advocate, who has been appointed as observer by consent. It shall be open for Shri Pankaj Govil, to take assistance of one more person, along with him. The Principal of the college, shall also provide, a stenographer to Shri Govil, on the said date, for preparation of his report, which shall be filed before this Court, in a sealed cover, on the date fixed.

15. List this case on 13.05.2026 at 02:00 pm.

(Siddharth Nandan,J.)

April 24, 2026
S.Prakash