

**HIGH COURT OF UTTARAKHAND AT NAINITAL****Writ Petition No. 3039 of 2026 (M/S)**

Pooja Kasana

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Present:-

Mr. K.K. Tiwari and Mr. Ashutosh Joshi, Advocates for the petitioner.

Mr. V.D. Bisen, Additional C.S.C. for the State.

Mr. Sahil Mullick, Advocate for the newly elected members.

JUDGMENT**Hon'ble Ravindra Maithani, J. (Oral)**

The petitioner has challenged the election result of Deep Ganga Residential Complex, Plot No.1, Welfare Society, Haridwar ("the society") announced on 17.09.2026, which is Annexure No.17 to the writ petition, and has sought various other directions, including to conduct fresh and fair election of the society.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the petitioner submits that the election was not conducted in accordance with the bylaws; the members' list of the year 2024 was utilised, whereas, the election was held in the Year 2026; the voting rights have been delegated, which could not have been done by anyone. Hence, the election is bad.

4. Learned State Counsel submits that the dispute has already been referred to the prescribed authority under Section 25 of the Societies Registration Act, 1860 ("the Act"), and this is an alternate efficacious remedy.

5. On behalf of the newly elected members, learned counsel put his appearance and submitted that, in fact, the reference has already reached to the prescribed authority, and it would be heard in due course. Therefore, at this stage, petition is not maintainable.

6. Section 25 of the Act reads as follows:-

“25. Disputes regarding election of office-bearers.-
(1) The prescribed authority may, on a reference made to it by the Registrar or by at least one-fourth of the members of a society registered in Uttar Pradesh, hear and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of an office-bearer of such society, and may pass such orders in respect thereof as it deems fit.

Provided that the election of an office-bearer shall be set aside where the prescribed authority is satisfied –

- (a) that any corrupt practice has been committed by such office-bearer; or
- (b) that the nomination of any candidate has been improperly rejected; or
- (c) that the result of the election insofar it concerns such office-bearer has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with the provisions of any rules of the society.

Explanation 1.- A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person-

.....
.....
(2).....
.....”

7. A dispute may be heard and decided in summary manner by the prescribed authority on the reference having been made to it by the Registrar or by at least 1/4th of the members of the society.

8. In the instant case, admittedly the reference has been made. In fact, a copy of the reference has been tendered for the perusal of the Court at the time of hearing by learned counsel for the newly elected members. It is taken on record.

9. Since the grievance has been channelized to the alternate efficacious remedy, at this stage, the petition may not be entertained. It stands disposed of, accordingly.

(Ravindra Maithani, J)
09.10.2026

Ravi Bisht