



2026:AHC:207165-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 38135 of 2026

Srinagar Sahakari Awas Samiti Ltd. and another

.....Petitioner(s)

Versus

State of UP and 5 others

.....Respondent(s)

Counsel for Petitioner(s)	: Abhishek Misra
Counsel for Respondent(s)	: C.S.C., Ravi Anand Agarwal

Reserved
A.F.R.

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE INDRAJEET SHUKLA, J.

(Delivered by Indrajeet Shukla, J.)

1. Heard Mr. H.R. Misra, learned Senior Advocate assisted by Mr. Swatantra Pratap Singh, learned Counsel for the petitioners, Mr. Ravi Anand Agarwal, learned Counsel for respondents nos. 2 and 3, Mr. Dev Kant Trigunait, learned Counsel for respondents nos. 4, 5 and 6, Mr. Ashish Mishra, learned Counsel appearing for the intervener and Ms. Raj Lakshmi Sinha, learned Standing Counsel appearing on behalf of the State.

2. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked seeking the issue of a writ in the nature of certiorari, quashing the order dated 27.08.2026 passed by the Additional Housing Commissioner/Additional Registrar, Co-operative Societies, Lucknow. A further prayer has been made for the issue of a writ in the

nature of mandamus commanding the respondents to permit Petitioner No. 2 to continue and function as the Secretary of the Society.

Facts in Brief

3. Shorn of unnecessary details, the factual matrix of the case may be summarized as under:

3.1. Petitioner No. 1 is a primary housing co-operative society registered under the provisions of the U.P. Co-operative Societies Act, 1965 (hereinafter referred to as 'the Act, 1965') and the rules framed thereunder, namely, the U.P. Co-operative Societies Rules, 1968 (hereinafter referred to as 'the Rules, 1968').

3.2. The last election of the Committee of Management of the Society was held in the year 2021. Before the term of the elected Committee of Management could come to an end, the District Election Officer/Assistant Commissioner/District Assistant Registrar was intimated vide letter dated 06.02.2026 for holding the elections, along with the mandatory deposit as required under Section 29 (4) of the Act, 1965 read with Rule 4 of U.P State Cooperative Societies Election Rules, 2014.

3.3. Admittedly, vide order dated 10.03.2026, an Interim Committee of Management came to be appointed by the Additional Housing Commissioner/Additional Registrar, Co-operative Societies, Lucknow. The said Committee was specifically restrained from undertaking the sale or purchase of plots, induction or removal of members from the General Body, and undertaking financial transactions except to the limited extent necessary for managing essential services, such as electricity, water and sanitation. For ready reference, the restriction imposed on the interim Committee's power read:

"उपरोक्तानुसार गठित अन्तरिम प्रबन्ध कमेटी द्वारा निम्न कार्य नहीं किये जायेंगे:-

1. समिति के भूखण्डों का कय विक्रय का कार्य नहीं किया जायेगा।
2. समिति में सदस्य न तो बनाये जायेंगे और न ही हटाये जायेंगे।
3. बैंक से धन आहरण / वितरण मात्र जीवनोपयोगी यथा बिजली, पानी एवं सफाई आदि हेतु ही करेगी।

उपरोक्त गठित अन्तरिम प्रबन्ध कमेटी समिति की प्रबन्ध कमेटी का निर्वाचन सर्वोच्च प्राथमिकता के आधार पर सम्पन्न करायेगी।"

3.4. Vide resolution dated 21.07.2026, the Interim Committee examined the exercise undertaken by the regular Committee of Management through resolution dated 17.02.2022, whereby 12 members were inducted under Proposal No. 2; resolution dated 04.06.2022, whereby eight members were inducted under Resolution No. 4; and resolution dated 19.07.2022, whereby nine members were inducted under Resolution No. 4. The Interim Committee further resolved to remove 22 members enrolled in the year 2022 and sought permission to induct 13 new members by lifting the restriction imposed on the induction of new members.

3.5. On 27.08.2026, Annexure No. 5, the Additional Housing Commissioner/Additional Registrar, Co-operative Societies, Lucknow himself passed an order addressed to the Chairman/Members of the Interim Committee of Management of the petitioner-Society, pointing out that Section 29 of the Act, 1965, read with Rule 438 of the Rules, 1968, prohibits the induction of new members as well as the removal of existing members on behest of an interim committee and the decision of not allowing induction of new members or removal of existing members was taken by the Registrar.

3.6. The resolution dated 21.07.2026 was passed by the Interim Committee of Management of the society, whereby 22 members were resolved to be removed and the appointment of the Secretary of the Society was sought to be declared void and same, has been acted upon by the Additional Housing Commissioner/Additional Registrar, Co-operative Societies, Lucknow vide order dated 27.08.2026 under challenge here.

Submission Advanced on Behalf of Petitioner

4. Learned Senior Advocate, appearing for the petitioners, strenuously urged that the Interim Committee of Management is a stop-gap arrangement until regular elections are held and as, such is bereft of any power to either induct new members or remove existing members of the Society. It is further contended that the Interim Committee, having

transgressed the limits of its jurisdiction and authority, could not have resolved to remove the existing members or induct new ones. Furthermore, a blunder was committed when the third respondent acted upon such resolution vide order impugned.

5. The next submission is that none of the ingredients contained under Section 128 of the Act, 1965 is satisfied, leading the order impugned to be without jurisdiction. Learned Senior Advocate next submitted that no opportunity of hearing was afforded either to petitioner no.2, who was the erstwhile Secretary of the Committee of Management and whose appointment has been declared void and inoperative, or to the 22 members whose membership has been terminated. It is, therefore, contended that the impugned order, having been passed without affording an opportunity of hearing to the persons directly affected thereby, is vitiated at its inception.

Submission Advanced on Behalf of Respondent No.5

6. Respondent No. 5, on the foot of his counter-affidavit, has pointed out that the last election of the Housing Society was held in the year 2021, resulting in the constitution of the Committee of Management. However, the said election process was subsequently set aside by the learned Arbitrator/Sub-Divisional Magistrate, Sadar, Agra, vide order dated 25.03.2026 passed in the election dispute. By the said order, directions were also issued for verification of the membership list of the Society, including exclusion of persons who died, those who had already transferred or sold their respective plots, and persons who were otherwise disqualified from continuing as members. The order dated 25.03.2026 passed by the learned Arbitrator/Sub-Divisional Magistrate, Sadar, Agra has not been challenged any further and thus, attained finality.

7. In the brief counter affidavit filed by Respondent No. 5, various aspects relating to the election held in the year 2021 and the quorum of the meeting of the Committee of Management, have been set out in detail touching the aspect of induction of members in the year 2022.

Respondent No. 5 has also questioned the validity of the meetings of the Committee of Management for inducting members in the year 2022.

Submission Advanced on Behalf of Respondent No.3

8. Mr. Ravi Anand Agarwal, learned counsel appearing for Respondent No. 3, initially attempted to defend the order passed by the Additional Housing Commissioner whereby 22 members have been removed. However, he ultimately conceded that the Interim Committee of Management are not possessed with the power or authority to induct or remove members of the General Body and, consequently, the resolution passed by the Interim Committee of Management ought not have been acted upon. He invited the attention of this Court towards paragraph 4 and 5 of the personal affidavit filed by Respondent No. 3, which reads:

“4. That it is humbly submitted that with a view to settle the membership claims the respondent no.3 passed the impugned order dated 27.08.2026. That however while passing the impugned order dated 27.08.2026, respondent no.3 under a misconception took into consideration the proposal of the interim committee dated 21.07.2026 regarding induction and removal of the members.

5. That the respondent no.3 humbly seeks and prays before the Hon'ble Court that leave be accorded for carrying out a fresh exercise for the purposes of examining the membership claims of the members/persons on the basis of the records and any other relevant material, without taking into consideration the proposal of the interim committee dated 21.07.2026 which was the part of the impugned order dated 27.08.2026. The claims will be examined after providing opportunity of hearing to the affected members/persons.

Points for Determination

9. Whether an Interim Committee of Management appointed under Section 29(4-B) of the Act, 1965, has the authority or power to remove existing members or enrol new members in the Society?

Analysis and Reasoning

10. The holding of elections and appointment of an Interim Committee of Management during the interregnum is governed by Section 29 (4) of the Act, 1965, which reads:

“29. Committee of Management.

(1) The management of every co-operative society shall vest in a Committee of Management constituted in accordance with this Act, the rules and the bye-laws, which shall exercise such powers and perform such duties as may be conferred or imposed by this Act, the rules and the bye-laws.

(2) (a) The term of every Committee of Management shall be five years and the term of elected members of the Committee of Management shall be co-terminus with the term of such Committee.

(b) The provisions of clause (a) shall apply also to a Committee of Management in existence on the date of the commencement of the Uttar Pradesh Co-operative Societies (Amendment) Act, 2013 and to the elected members of such committee.

(3) Election to reconstitute the Committee of Management of every Cooperative Society shall be completed in the prescribed manner under the superintendence, control and direction of the Election Commission at least fifteen days before the expiry of the term of the Committee of Management and the members so elected shall replace the Committee of Management whose term expires under sub-section (2). Provided that where the Election Commission is satisfied that the circumstances exist which render it difficult for it to hold the election on the date fixed, it may postpone the election and all proceedings with reference to the election shall commence afresh in all respects.

(4) It shall be the duty of the Secretary or the Managing Director of the cooperative society as the case may be, to send to the Election Commission four months before the expiry of the term of the Committee of Management, a requisition for conducting the election and to furnish all such information as may be required by the election commission within such period as may be fixed by it.

(4-A) Due to any reason, whatsover, if members of the Management Committee are not elected before expiry of its tenure then the Management Committee shall cease to exist after expiry of its term notwithstanding anything to the contrary in any other provision of this Act, or the rules made thereunder or the bye-laws of the society.

(4-B) After the Management Committee cease to exist under sub-section (4-A) an interim Management Committee shall as soon as possible be appointed by the Registrar for the Management of the Co-Operative Society in accordance with the provisions of this Act, the rules and the bye-laws of the society. The Registrar shall have power to change the members of the interim Management Committee or appoint a new interim Management Committee in place thereof.

(4-C) The interim Management Committee appointed under sub-section (4-b) shall exercise the powers and perform the functions of the Management Committee under this Act subject to the directions given by the Registrar from time to time.

(4-D) The interim Committee appointment under sub-section (4-b) shall cease to exist after the expiry of six months from the date of its appointment or reconstitution of the Management Committee after election thereof whichever is earlier.] [Substituted by U.P. Act 13 of 2013, Section 3 (w.r.e.f. 15-2-2013).]

(5) A co-operative society may have as many members in its Committee of Management as may be provided in its bye-laws but an Apex Society may have its Committee of Management subject to a maximum of seventeen members, a central society may have its Committee of Management subject to a maximum of fifteen members and every other co-operative society may have its Committee of Management subject to a maximum of thirteen members. Any other committee or sub-committee of the society shall be smaller than its Committee of Management and in no case such committee or sub-committee shall consist of more than seven members: Provided that in the Committee of Management of every co-operative society four seats shall be reserved of which one shall be for the person belonging to the Scheduled Castes or the Scheduled Tribes, one shall be a person belonging to the Other Backward Classes of Citizens and two shall be for the women.

(6) Notwithstanding anything to the contrary contained in any other provision of this Act, the Committee of Management of every Co-operative Society shall co-opt at least two professional persons having special knowledge or experience in the field of accounting, law, banking, management, agriculture or rural economy as may be stipulated by the State Government. It is not necessary that a co-opted member shall be a member of the General Body of the Co-operative Society: Provided that the number of such co-opted members shall not exceed two in addition to the number of members specified in sub-section (5): Provided further that such a co-opted member shall not have the right to vote in any election or in any no confidence motion moved in the Co-operative Society in their capacity as such member or to be eligible to be elected as office bearers of the Committee of Management.

(7) The Committee of Management of every co-operative society may fill a casual vacancy on the Committee of Management by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of the office of the Committee of Management is less than half of its original term.

(8) [Notwithstanding anything to the contrary contained in any other provision of this Act, there shall be at least three professionals with full voting rights on the committee of Uttar Pradesh Co-operative Bank or a Central Co-operative Bank having special knowledge or experience in the field of accounting, law, banking, management, agriculture or rural

economy as stipulated by the Reserve Bank of India. In case such professionals do not get elected, they shall be co-opted by the Committee of Management of the Bank as aforesaid.] [Inserted by U.P. Act 47 of 2007, Section 5.]”

(Emphasis added)

11. The Interim Committee of Management is vested with the ordinary operational powers of a regular Committee of Management under Section 29(4-C); however, the exercise of such powers is circumscribed by, and remains subject to, the directions issued by the Registrar from time to time.

12. Rules 38 to 49 of the Rules, 1968, contained in Chapter V relating to “Membership”, prescribe the procedure governing the admission of new members, including the manner of making applications, eligibility requirements, prescribed time schedules and the process for consideration and approval of such applications.

13. The order under challenge dated 27.08.2026, insofar as it acts upon the resolution of the Interim Committee of Management concerning the removal of existing members who had been inducted prior to the constitution of the Interim Committee of Management, has been passed in exercise of the powers and in proceedings contemplated under Section 128 of the Act, 1965. Section 128 of the Act, 1965 reads as under:

“128. Registrar's powers to annul resolution of a co-operative society or cancel order passed by an officer of a co-operative society in certain cases.

- The Registrar may -

(i) annul any resolution passed by the committee of management, or the general body of any co-operative society; or

(ii) cancel any order passed by an officer of a co-operative society; if he is of the opinion that the resolution or the order, as the case may be is not covered by the objects of the society, or is in contravention of the provisions of this Act, the rules or the bye-laws of the society, where upon every such resolution or order shall become void and in-operative and be deleted from the records of the society.”

14. By virtue of power vested in Registrar under Section 128 of the Act, 1965, he may annul any resolution passed by the Committee of

Management, which includes an interim committee of management in terms of Section 29 (4c) of the Act, 1965 but power of annulment does not mean the ratification of resolution by an interim committee of management inducting new members or removing existing members as same has been prohibited by the order of Registrar himself while passing order dated 10.03.2026, constituting the interim Committee of Management.

15. The functioning of an interim committee is regulated being subject to direction issued by the Registrar, who himself prohibited induction of new members and removal of existing members. Thus, the ratification of resolution removing existing members is beyond the competence and powers of the Registrar in terms of section 128 of the Act, 1965.

16. It is beyond any cavil or doubt that an Interim Committee of Management is constituted only for the purpose of managing the affairs of the Society until regular elections are held, and, therefore, it cannot be permitted to take any policy decision concerning the functioning of the Society. The statute itself limits the tenure of an Interim Committee of Management to a period of six months. In the present case, the Interim Committee of Management appears to have transgressed the limits of its jurisdiction and authority by examining the three resolutions passed in the year 2022 concerning the induction of new members, and proceeded to resolve removal of members enrolled in the year 2022.

17. A bare reading of Section 29(4) of the Act, 1965, and the order dated 10.03.2026 passed by Respondent No. 3 constituting the Interim Committee of Management, makes it clear that the Interim Committee of Management had no jurisdiction or authority to induct new members or remove existing members of the Society. Consequently, the resolution passed by the Interim Committee of Management in this regard was a nullity in the eyes of law, and Respondent No. 3 erred in acting upon the said resolution while exercising powers under Section 128 of the Act, 1965. The validity of elections held in the year 2021 is not an issue before this Court and same has been concluded vide order dated 25.03.2026 passed by the S.D.M., Sadar, Agra. Thus, the same should

not detain us to embark upon the validity of appointment or continuance of petitioner no.2 as a Secretary of the Society.

18. In order to impeach the competence and authority of the Interim Committee of Management, learned Senior Advocate relied upon the judgments of the Supreme Court in **K. Shantaraj and Another v. M.L. Nagaraj and Others**, (1997) 6 SCC 137, and **Jt. Registrar of Co-operative Societies, Kerala v. T.A. Kuttappan and Others**, (2000) 6 SCC 127, as well as the authority of the Division Bench of this Court in **Vijay Shankar Rai v. State of U.P. and Others**, 2009 SCC OnLine All 1052.

19. In **Vijay Shankar Rai** (*supra*), the Division Bench of this Court, while considering the power of an Administrator or an Interim Committee of Management to induct or remove members of the Society, observed:

“Relying upon this deeming clause, respondents have urged that since the Administrator or the Committee of Administrators appointed under Section 29(5) is the deemed Committee of Management and the Chairman of this Committee as the Chairman of the Committee of Management, who have been conferred powers to perform all or any of the functions of the Committee of Management or of any officer of the Society, subject to any directions, which the Registrar may time to time give, the function of enrolling new members in the Society thus, cannot be said to be excluded from the sphere of the activities of the Administrator or Committee of Administrators, which function admittedly is the function of the Committee of Management, when it is in existence.

In support of the plea that the Administrator cannot enrol new members, the petitioner relied upon the judgement in the case of K. Shantharaj v. M.L. Nagaraj, (1997) 6 SCC 37, wherein the apex court while considering Section 30 and 30-A of the Karnataka Cooperative Societies Act, 1959, held that the Administrator or the Special Officer must conduct the elections with the members on the rolls and he has no power to enrol new members and conduct the election by including them also. The Court also observed that the power of Administrator to conduct the elections should be in accordance with the provisions of the Act, rules and bye-laws of the Society.

Reliance has also been placed upon the case of Jt. Registrar of Cooperative Societies, Kerala v. T.A. Kuttappan, (2000) 6 SCC 127, wherein Section 32 sub-clause (4)(1)(a) and (b) of the Kerala Cooperative Societies Act, 1969, were the subject matter of consideration, wherein the apex court held that the powers of new committee or administrator(s) appointed by Registrar upon supersession of the Committee of Management, does not include the power to enrol new members. They are duty bound to conduct elections with the already registered members and only an elected

Committee of Management is empowered to enrol new members, as a cooperative society is expected to carry out its activities in a democratic manner.

A Division Bench of this Court in Writ Petition No. 923 (MB) of 2006: Desh Deepak Singh v. State of U.P., decided on 13.2.06, considering the aforesaid plea about the power of the Administrator to enrol new members, following the dictum of the apex court in the aforesaid case of Jt. Registrar of Cooperative Societies, Kerala (supra), observed that it is the settled law of this Court as well as Hon'ble the Supreme Court that the Administrator appointed under Section 29 of the U.P. Co-operative Society Act can only look after day today work of the society and it has no authority to enrol new members and directed that the elections be held in accordance with law, wherein new members, so enrolled, would not be permitted to participate in the elections.

The main responsibility and legal duty and obligation, therefore, of the Administrator is to get the elected Committee of Management reconstituted.

In view of the ratio of the judgement in the cases of Jt. Registrar of Cooperative Societies and K. Shantharaj (supra), a Cooperative Society is expected to function in a democratic manner through an elected Committee of Management. The power to enrol members thus, vests with the elected Committee of Management. The limited role of an Administrator appointed under Section 29(5) is to manage the day-to-day affairs of the Society and to take immediate steps for reconstitution of the elected Committee of Management.

The Administrator is appointed only when the term of the elected Committee of Management comes to an end, and for want of elections, before the expiry of its term, new elected Committee of Management is not constituted within the time prescribed, for any reason whatsoever and he is to remain in office till a fresh Committee is constituted.

Thus, it is only for the period interregnum i.e. from the date of the expiry of the term of the elected Committee of Management and till a new Committee is elected, the Administrator/Committee of Administrators can be appointed.

It is not the intention of the legislature to give this power of enrolling members to such Administrator or Committee of Administrators, who is to remain there for the aforesaid limited statutory period, for carrying on the functions of the Society. This statutory period was only six months originally. It is a different matter that by virtue of statutory amendments this period has been extended from time to time.

The purpose of such appointment of the Administrator/Committee of Administrators is neither to disturb the democratic working nor the voluntary composition of the Society nor to usurp the powers of the elected Committee of Management, particularly in regard to its constitution and place it in the hands of Administrator/Committee of Administrators, rather the intention of the said provision is to restore the democratically elected Committee of Management, as early as possible.

Sections 28 and 29 of the Act and the scheme contained therein is with respect to the management of the Societies, wherein final authority in Cooperative Society vests in the general body, subject to provisions of the Act and the rules, as given in Section 28 of the Act. Section 29 itself is a complete code, which takes care of the election and constitution of Committee of Management within the given time and before the expiry of the term of the existing Committee of Management.

Under sub-section (1) of Section 29, the management of every Cooperative Society shall vest in a Committee of Management constituted in accordance with the Act, the rules and bye-laws, which shall perform such duties, as may be conferred or imposed by the Act, rules and the bye-laws.

In the case of State of U.P. v. C.O.D. Chheoki Employees' Cooperative Society Ltd. (1997) 3 SCC 681, the Supreme Court, while considering the rule regarding nominating the members of the weaker section in the Society, if they could not be elected, after holding that it is not a fundamental right to become a member, but it is only a statutory right, observed that 'once a Society has been registered, under the Act, the management of the Society through Section 29 and rules made thereunder, is regulated by duly elected members'.

The words incorporated and the phraseology used in sub-section (7) of Section 29 leave no ambiguity that the Administrator or the Committee has to get the elected Committee of Management reconstituted, within shortest possible time, which could be maximum period of six months, now amended to one year and six months.

The Administrator/Committee of Administrators, cannot be taken to be a Committee of Management elected under the Act, the rules or the bye-laws of the Society. The constitution of such Committee can only be, by holding the election as per the provisions of the Act, the rules and the bye-laws of the Society.

This clarifies and signifies that under the statutory provision, obligation rests upon the Administrator/Committee of Management and also on the Registrar, to get the elected Committee of Management constituted at the earliest and not to wait for the maximum period prescribed therein, and allow the Administrator to remain in office for the maximum period prescribed therein.

There can also not be any justification or necessity for the Administrator to enrol new members during the short period of his stay in the Society, apart from the fact that his competence would also have to be tested on the ground that once the term of the elected Committee of Management' has come to an end, the said Committee could not have enrolled any new member, even if it had remained in office thereafter, till such time the elections were held, therefore, also there can be no occasion for the Administrator to enrol new member after the expiry of the term of the Committee of Management. If the elections were to be conducted and held during the subsistence of the elected Committee of Management, the Committee of Management under the rules, could have enrolled new members, but after the expiry of the term, the said Committee also could not have enrolled any new member and, therefore, the Administrator/Committee of

Administrators, being the Committee of Management under the deeming clause, cannot enrol any new member. The elected Committee of Management under Section 29(5)(a) ceases to exist, after the expiry of its term, if fresh elections had not been held, for any reason whatsoever within the prescribed period of its term.

After the elected Committee of Management ceases to exist in terms of sub-section (5)(a) of Section 29, the Administrator/Committee of Administrators, who steps in for carrying on the functions of the Society, till a new Committee is elected, and is deemed to be the Committee of Management, cannot exercise the power of enrolling new members, when the elected Committee itself could not have enrolled any new member after the expiry of its term.

The legislative intent, object and purpose of the aforesaid scheme is to ensure that every Cooperative Society is managed by an elected Committee of Management and that a Committee of Management, whose term has expired, is not allowed to continue beyond its term and for that very reason, on the expiry of the term, the existing Committee ceases to exist in terms of Section 29(5)(a) of the Act, and once the elected Committee ceases to exist and the Administrator/Committee of Administrators is appointed, they by virtue of a deeming fiction, are treated to be the Committee of Management and the Chairman of the Committee of Management respectively. This deeming fiction only brings a nonexisting Committee of Management into existence, whose existence comes to and end, on the expiry of its term and there is also no new elected Committee, unless fresh elections are held, but this deeming clause would not enlarge the scope and authority of such Administrator or Committee of Administrators to enrol new members and to work as elected body.

*We are thus, of the considered opinion that the deeming clause in sub-clause (6) of Section 29 does not enlarge the scope of powers and functions of the Administrator/Committee of Administrators, as against the one interpreted by the Supreme Court in the cases of *Jt. Registrar of Cooperative Societies and K. Shantharaj (supra)* and thus, would not empower the Administrator or Committee of Administrators, to enrol new members.*

The new members, who have been enrolled by the Administrator have been enrolled by an authority, which inherently lacked jurisdiction and authority, to enrol them as member, therefore, they can neither be treated as the members of the Society, nor such enrolment would confer any right upon them, to be treated as 'member'.

The elections have to be conducted on the basis of the electoral roll, which existed on the date when the existing Committee of Management was replaced by the Administrator/Committee of Administrators. Of course, if there is any dispute amongst the existing members regarding their qualification or disqualification or eligibility to participate in the elections, that can be resolved, as per the rules, by the authority competent.

We also find that even otherwise, enrolment of new members on the eve of election, cannot be justified in any manner nor can be

said to be reasonable and fair nor can be supported by any legal provision, apart from the finding aforesaid that the Administrator/Committee of Administrators, has no authority or power to enrol new member, at any point of time, during which they remain in office.”

Conclusion

20. We have carefully examined the relevant provisions of the U.P. Co-operative Societies Act, 1965 and the U.P. Co-operative Societies Rules, 1968, particularly, the provisions governing membership and the constitution and functioning of an Interim Committee of Management. The statutory scheme makes it clear that an Interim Committee is only a temporary arrangement for managing the routine affairs of the Society and is not vested with independent authority to alter the composition of the General Body by inducting new members or removing existing members. Rule 438 of the U.P. Co-operative Societies Rules, 1968 deals with the constitution of an Interim Committee where the Committee of Management ceases to exist or function. Its relevance is contextual and structural, not as the direct source of the limitation on membership powers, while Rule 438-A requires such Interim Committee to take steps for reconstitution of an elected Committee of Management within the prescribed period. Neither Rule 438 nor Rule 438-A by themselves confer upon the interim committee, independent power to alter the composition of the general body by enrollment of new members or removal of existing members. Thus, Section 29(4-B) and 29(4-C) of the Act, 1965, and particularly, the directions issued by the Registrar while constituting the Interim Committee, the Interim Committee could not validly exercise the power either to induct new members or to remove existing members. Any resolution purporting to do so would be beyond the authority of the Interim Committee and could not confer any lawful right upon the proposed members nor validly terminate the membership of existing members.

21. Since, in our considered opinion, the Interim Committee of Management had no power or authority to induct new members or remove existing members, the resolution passed by the Interim

Committee of Management in that regard was a nullity in the eyes of law. Consequently, Respondent No. 3 erred in exercising powers under Section 128 of the Act, 1965, by acting upon and giving effect to the said resolution of the Interim Committee of Management vide order impugned dated 27.08.2026.

22. The Interim Committee of Management is presently functional. Therefore, no occasion arises to permit Petitioner No. 2 to continue to function as the Secretary of the Society. Accordingly, Relief No. 2 is hereby refused.

23. In view of the foregoing discussion, the impugned order dated 27.08.2026 is unsustainable. Thus, it hereby quashed. The writ petition succeeds and is, accordingly, partly allowed.

24. It is needless to observe that the competent authority shall remain at liberty to pass a fresh order in the independent exercise of powers under Section 128 of the Act, 1965, in accordance with law; however, while doing so, it shall not act upon or give effect to any resolution passed by the Interim Committee of Management.

25. The writ petition is, accordingly, **partly allowed**. There shall be no order as to costs.

(Indrajeet Shukla,J.) (J.J. Munir,J.)

October 01, 2026
Mohit