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WA-1877-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 10th OF JUNE, 2026WRIT APPEAL No. 1877 of 2026

*DALY COLLEGE SOCIETY THROUGH SECRETARY DR. MRS.
GUNMEET BINDRA*

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vijay Kumar Asudani, Advocate through VC with Shri Ravindra
Bhawsar - Advocate for the petitioner.

Shri Sudeep Bhargava - Dy.A.G for the respondent No.1/State.

Shri Veer Kumar Jain, Senior Advocate assisted by Shri Piyush
Parashar and Shri YashAgrawal - Advocate for the respondent No.8.

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ORDER

Per. Justice Vijay Kumar Shukla

The present intra-Court appeal has been filed under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth ko appeal) Adhiniyam, 2005 against the order dated 29.5.2026 passed by the learned Single Judge in W.P No.19363/2026. The writ petition was filed by the respondent No.8 challenging the elections to the Board of Governors of the appellant/society held on 21.5.2026.

2. Counsel for the respondent raised preliminary objection that the



Writ Appeal is not maintainable as the appeal is filed against the interlocutory order in view of Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth ko appeal) Adhiniyam, 2005. He further argued that the petition is filed with malafide intention to restrain the statutory authorities to exercise their statutory powers. By the impugned order no prejudice and irreparable loss are caused to the appellant.

3. Per contra, counsel for the appellant submitted that by the impugned order, the learned Single Judge has passed the interim order that giving certain directions to the authorities which are in the final nature and, therefore, the appeal is maintainable considering the tenor and nature of the interim order. He relied on the judgment passed by the full Bench passed in the case of *Arvind Kumar Jain vs. State of M.P and Ors.* reported in 2007 *SCC Online MP 264* and the judgment passed in the case of *Dr.Jyoti Swaroop vs. State of M.P and Ors.* reported in 2026 *SCC online 7313* in which it has been held that the proviso to section 2(1) of M. P. Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 does not create an absolute bar to prefer an appeal to the Division Bench and if the order finally decides the question and directly affects the decision in the main case or an order which decides the collateral issue or the question which is not the subject-matter of the main case or which determines the rights and obligation of the parties in a final way indubitably they are appealable. Thus, an appeal can be preferred against an order regard being had to the nature, tenor, effect and impact of the order passed by the Single Judge. In the light of the aforesaid enunciation of law, it is contended that the learned single Judge



while passing the interim order has granted final relief in regard to the directions to the Registrar to conduct an enquiry on the allegations made by the writ petitioner and directed to submit the report within period of 15 days. He further urged that the learned Single Judge by interim order further directed the Superintendent of Police, Cyber Cell in regard to submit the report on Annexure P-9. The aforesaid prayer was final relief as claimed in para 7.4 of the writ petition. He argued that the aforesaid directions were issued without reply and hearing to the appellants and the discretion of the authorities have been taken by the aforesaid directions of the learned Single Judge.

4. After hearing learned counsel for the parties and upon perusal of the impugned order we find it is apt to reproduce the relevant para of the impugned interim order:-

As an interim measure it is therefore directed that the operation of the order dated 03.05.2026 (Annexure-P/7) shall remain stayed. It is made clear that since the petitioners have already approached the Registrar by filing their complaint vide Annexure-P/ 11 dated 24.05.2026, the Registrar, is directed to conduct a detailed enquiry on the allegations made by the petitioner herein and submit the report before this Court within a period of 15 days, positively, by a detailed finding substantiating with documentary evidence if necessary after hearing all the parties concerned to the said election. It is also directed that since the petitioner has also filed complaint before the Superintendent of Police, Cyber Cell in respect of his grievances, 'which is Annexure-P/9 dated 04.05.2026, the Superintendent of Police, Cyber Cell is also directed to submit his report before this Court, positively in a sealed cover, within a period of 15 days from today.

Since we are not inclined to stay the elections as the elections has been declared on 21.05.2026 it is made



clear that the elected body may function but shall not take any policy decision till the next date of hearing.

List the matter after 15 days.

5. Upon perusal of the aforesaid directions, we find that the learned single Judge had "directed" the Registrar to conduct a detailed enquiry on the allegations made by the petitioner in the complaint, Annexure P-11 dated 24.5.2026 and to submit a report within period of 15 days, positively, by a detailed finding substantiating with documentary evidence if necessary. He further "directed" that the Superintendent of Police, Cyber Cell to submit a report on Annexure P-9 dated 4.5.2026 before the Court within period of 15 days. It would be further relevant to reproduce para 7.4 of the said writ petition:-

7.4 To be pleased to direct an independent, impartial and time-bound inquiry/investigation by a competent authority into the apparent manipulation, ante-dating and tampering of official election records, post-facto insertion of alleged election guidelines and the arbitrary and mala fide rejection of the petitioner's nomination form during the election process conducted by the Respondents;

6. Considering para 7.4 and the direction passed by the learned Single Judge, we are of the considered view that the learned Single Judge had "directed" to conduct detailed enquiry on the complaint and to submit the report and in the same manner and final view on the complaint, he further directed to Superintendent to submit the report. The aforesaid imperative direction has been given by the learned Single Judge by an interim order without adjudicating the controversy involved in the present case which amounts to taking away the discretion of the authorities therefore, we set



aside the directions given by the learned Single Judge to conduct a detailed enquiry of Annexure P-11 and direction to the Superintendent of Police, Cyber Cell on Annexure P-9. The learned Single Judge shall reconsider the said prayer of directions after affording opportunity of hearing to the petitioner as well as to the appellants. The other part/other directions contained in the impugned order shall remain intact.

7. With the aforesaid, writ appeal is **partly allowed and disposed of.**

8. The writ petition be placed before the learned Single Judge for re-consideration of the said relief.

(VIJAY KUMAR SHUKLA)
V. JUDGE

(ALOK AWASTHI)
V. JUDGE

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