

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 288/2026

in

S.B. Civil Writ Petition No. 13261/2025

Rajasthan Chess Association, Through Secretary, Rajasthan Chess Association, B-9/634, Chitrakoot Scheme, Ajmer Road, Jaipur-302021.

----Appellant

Versus

- 1 Ashok Kuamr Bhargava Son Of Late Shri T. N. Bhargava, Aged About 69 Years, Resident B-9/634, Chitrakoot Scheme, Ajmer Road, Jaipur- 302021 (Hony Secretary, Rajasthan Chess Association, Jaipur)
- 2 Mahaveer Ranka Son Of Late Shri Mohan Lal Ranka, President, Rajasthan Chess Association, Near Circuit House, Raj Vilas Colony, Bikaner.
- 3 Registrar, Cooperative Societies, Nehru Sahkar Bhawan, Hawa Sadak, Jaipur

----Respondents

For Appellant(s)	:	Mr. Kamlakar Sharma, Senior Advocate assisted by Ms. Alankrita Sharma, Mr. Madhusudan Rajpurohit, Mr. Yogesh Kala & Mr. Harshil Bansal
For Respondent(s)	:	Mr. Akhil Simlote with Mr. Dikshant Jain & Mr. Ashvini Raj Tanwar Mr. B.S. Chhaba, AAG assisted by Mr. Hardik Singh

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

16/04/2026

REPORTABLE

- 1. Instant D.B. Special Appeal (Writ) is preferred by the appellant, aggrieved from the order dated 13.03.2026

passed in Writ Petition No. 13261/2025 by the learned Single Judge of this Court, whereby the effect of the election held on 04.03.2026 was stayed and the Registrar, Cooperative Societies was directed to appoint an Administrator to look after the day-to-day functioning of the Association.

2. Learned Senior Advocate appearing on behalf of the appellant submits that *Rajasthan Chess Association*, (hereinafter referred as "*the Association*"), is a State-level sports body registered under the provisions of The Rajasthan Sports (Registration, Recognition and Regulation of Association) Act, 2005 (hereinafter referred to as "the Act of 2005"), and has conducted elections on 04.03.2026 wherein present appellant was elected as Honorary Secretary. He further submitted that the record of the proceedings has been placed on record to show that the election was conducted in a free and fair manner, in accordance with the provisions of the Act of 2005 and the Rules and Bye-laws made thereunder. He further submitted that Respondent No. 1, who was Honorary Secretary for term 2021-2025 was suspended by the erstwhile Association, filed a writ petition to stall the elections to be held after completion of his term. He also submitted that an interim stay was initially obtained to stall the elections, but after modification on 25.02.2026, a liberty was granted to conduct election.
3. Learned Senior Counsel also submitted that pursuant to said liberty, the General Body Meeting was convened and the election was conducted on 04.03.2026. He also submitted that after the election, the elected body has taken over the

charge of the Association on 04.03.2026 itself. He further submitted that on 13.03.2026, the learned Single Judge has stayed the effect of the election held on 04.03.2026, and also appointed an Administrator, that too beyond the scope of the writ petition.

4. Learned Senior Advocate has further placed reliance upon judgment in the case of ***Ram Chandra Choudhary & Ors. Vs. Roop Nagar Dugdh Utpadak Sahakari Samiti Limited and Ors. reported as 2026 INSC 347*** and submitted that dispute relating to internal management, governance or electoral process of any society do not, as a matter of course, attract writ jurisdiction because such societies owe their incorporation to a statute. He further submitted that a specific mechanism is provided under the "Act of 2005" for governance of sports bodies and filing a writ petition in such a matter is contrary to provision of law. He further referred Section 16 of the Act of 2005 and submitted that any dispute relating to election of Association is required to be resolved through conciliation and arbitration and in such circumstances writ petition under Article 226 of the Constitution of India is not maintainable. He also submitted that the learned Single Judge has decided the writ petition by granting entire relief as interim measure to the petitioner; hence, the special appeal, as provided under Rule 134 of the Rajasthan High Court Rules, 1952, is filed and same is maintainable before this Hon'ble Court. He also submitted that the appellant was elected as Honorary Secretary and the elections have already come into effect as

soon as the declaration was made and he has a right to defend a proceeding instituted by respondent No.1-writ petitioner.

5. Aforesaid contentions were opposed by the learned counsel appearing on behalf of Respondent No.1, and submitted that Learned Single Judge on noticing that there was serious disobedience of the interim order passed by the non-petitioners, then order dated 13.03.2026 was passed, in their presence. He also submitted that the interim orders, passed in the matter were interpreted by the learned Single Judge, which led to the passing of the order dated 13.03.2026. He further submitted that the appellant has no locus to file the instant Special appeal, as an appeal from an interim order in a writ petition is not maintainable, and the appellant has no locus after the stay on the effect of election held on 04.03.2026 and appointment of an Administrator. He also submitted that the Election Officer is the real brother of the appellant, and when there is an element of biasness and favoritism, the election conducted on 04.03.2026 cannot be said to be fair and transparent. He further submitted that several complaints were made by the writ petitioner against the erstwhile President of the Association, and an inquiry was conducted by the Registrar, Cooperative Societies, wherein it was found that several irregularities were committed by the erstwhile Association. He also submitted that the Election Officer is guilty of committing illegality and due to malafide and bias, the election proceedings are contrary to "*Act of 2005*".

6. Learned Counsel appearing on behalf of Respondent No. 1– writ petitioner, while placing reliance upon the judgment **Zee Telefilms Limited and Anr. Vs. Union of India and Ors. reported as (2005) 4 SCC 649**, has submitted that the remedy under Article 226 of the Constitution of India is only way out to seek remedy where no specific power is provided under the "*Act of 2005*". He also submitted that writ petition is filed against the non-action of non-petitioner No.3- Registrar, Co-operative Societies and same is evident from the prayer of the writ petition. He also submitted that despite inquiry in process, the President of erstwhile Association has issued an election notice which was also challenged by the writ petitioner on ground of authority and competency. He further submitted that appellant has not challenged earlier order passed by learned Single Judge, therefore Writ Appeal is not maintainable.
7. Heard learned Senior Advocate appearing on behalf of appellant, learned counsel appearing on behalf of respondent No.1 (writ petitioner) and learned AAG appearing on behalf of respondent No.3.
8. The material on record indicate that the appellant has filed an application under Order 41 Rule 27 CPC for taking additional documents on record. The documents are filed to provide for proper adjudication of dispute and are relevant for the just decision of the instant case. Therefore, the application is allowed and documents are taken on record.

(A) Maintainability of Special Appeal against interim order

9. Instant Special Appeal (Writ) has been filed under Rule 134 of the Rajasthan High Court Rules, 1952 and Rule 134 is reproduced hereunder for ready reference:-

134. (i) Appeal to the High Court from Judgment of Judges of the Court:- *An appeal shall lie to the High Court from the Judgment or a final order (not being a Judgment passed in the exercise of appellate Jurisdiction in respect of a decree or order made in the exercise of appellate Jurisdiction by a Court subject to the superintendence of the High Court and not being an order made in the exercise of revisional Jurisdiction and not being a sentence or order passed or made in the exercise of the power of superintendence or in the exercise of criminal Jurisdiction) of one Judge of the High Court.*

(ii) Special appeal. - *A person desiring to prefer a special appeal from the judgment of the Single Judge shall present a duly stamped memorandum of appeal within sixty days from the date of such judgment. Where such appeal is presented after the period mentioned above, it shall be accompanied by an application supported by an affidavit explaining the cause of delay and it shall be rejected unless the appellant satisfied the court that he had sufficient cause for non preferring the appeal within the aforesaid time.*

The memorandum of appeal shall be drawn-up in accordance with Rules 125, 130 and 131 of this Chapter and shall be accompanied by a certified copy of the judgment or order appealed from alongwith two extra typed copies of the judgment or order.

10. Writ Petition No. 13261/2025 was filed by Respondent

No. 1 (the writ petitioner) with the following prayer:-

It is, therefore, most humbly prayed that the writ petition filed by the petitioner may kindly be allowed and -

(a) by issuing an appropriate writ, order or direction in nature thereof directing the Registrar Cooperative Society to conclude the inquiry initiated vide order dated 10.6.2023 and regarding which points for determination have been communicated to petitioner vide communication dated 23.7.2024, in a timebound manner preferably within 30 days.

(b) by issuing an appropriate writ, order or direction, the election notice issued by the respondent no.1 be declared null and void as the same in violation of communication dated 03.12.2024 issued by Joint Registrar (Rules).
(c) by issuing an appropriate writ, order or direction in the nature thereof, the Registrar Cooperative be directed to conclude the inquiry and appoint ad-hoc committee for convening fresh election of Rajasthan Chess Association.
(b) Any other appropriate order or direction, which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

11. An interim order dated 13.03.2026 passed in the said writ petition is under challenge before this Court, whereby the learned Single Judge has passed the following direction, which affects the rights of the appellant:-

"Taking into consideration the aforesaid peculiar facts, the Court deems just and proper to stay the effect of the election held on 04.03.2026 by the Returning Officer nominated by the erstwhile association and the Registrar, Cooperative Societies shall appoint an administrator for day to day functioning of the association."

12. A special appeal from an order passed by a learned Single Judge is maintainable, if the interim order decides the substantial rights of any person. This issue was considered by a Coordinate Bench of this Court in the case of Smt. **Bhagwati Devi vs. Komal Devi & Ors., D.B. Special Appeal (Writ) No. 562/2013**, judgment dated 29.05.2013, and it was observed as under.

Qua the aspect of maintainability of the appeal in the context to Rule 134 of the High Court Rules, we have been led, amongst others, to the decision rendered by the Hon'ble Apex Court in Shah Babulal Khimji vs. Jayaben D. Kania and anothers [AIR 1981 Supreme Court 1786] as well as of this Court in Jaipur Metro Rail Corporation Limited vs. Alok Kotahwala and Ors. [2013(2) WLC (Raj.) 381]. Their Lordships of the Hon'ble Apex court in Shah Babulal Khimji (supra) while dwelling on the scope, ambit

and purport of the word "Judgment" appearing in Clause 15 of the Letters Patent of the Bombay High Court and after a detailed survey of the legal propositions pertaining thereto observed in paragraph 119(2) as hereunder:

"Para 119(1).....

(2) That the interlocutory order in order to be a judgment must contain the traits and trappings of finality either when the order decides the questions in controversy in an ancillary proceedings or in the suit itself or in a part of the proceedings.

This observation, ipso facto, is suggestive of the fact that an interlocutory order, in such eventualities, as mentioned can be construed to be a "judgment". A coordinate Bench of this Court in Jaipur Metro Rail Corporation (supra) had held an appeal from an order of the learned Single Judge staying land acquisition proceedings and giving liberty to the State to restart the proceedings maintainable holding that such an order amounted to a "judgment" or a "final order". Their Lordships in reaching this conclusion, amongst others, had also taken note of the decision of the Apex Court in Shah Babulal Khimji (supra) In the decision of Jaipur Metro Rail Corporation (supra), reference was also made to the judgment in Jugal Kishore Paliwal vs. S.Sat Jit Singh [(1984)1 SCC358], where the order of the learned Single Judge refusing amendment of the written statement at the time of framing issues held to be appealable. In the background of the facts leading to the filing of the appeal and on a consideration of the judicial pronouncements as above, we are of the view that the interim direction passed by the learned Single Judge permitting the respondent No.1 to remain, inspite of her declared disqualification by the Election Tribunal, in the office of the Sarpanch is one of moment affecting the rights of the parties besides not countenanced by section 25 of the Act and thus, can be considered to be a final order for the purpose of appeal under Rule 134 of the High Court Rules. This is also deductible from the fact that the arrangement, which has been made, is not limited by time but had been made subject to the final decision of the writ petition. We are, thus, not inclined to sustain the plea against the maintainability of the appeal. In the result, the appeal is allowed. The direction of the learned Single Judge to permit the respondent No.1 to continue in the office of the Sarpanch, Gram Panchayat Vijaypura, Tehsil Thanagali District Alwar is interfered with. The charge of the said office would now be handed over by strictly following the process with regard thereto as contemplated under section

25 of the Act. This would be done within a period of one week from today.

13. Even in the case of ***Dharam Chand Vs. Kishan Gopal and Ors, D.B. Special Appeal No. 929/2006, decided on 19.11.2010***, a Coordinate Division Bench has also considered the provision and held that, except for orders passed while exercising supervisory writ jurisdiction, the order is appealable. The intra-court appeal is not maintainable where an order is passed by learned Single Judge under Article 227 of the Constitution of India.

14. After considering the provision under Rule 134 of the "*Rules of 1952*" and the legal position as interpreted from time to time by this Court, an interim order, if it decides the substantial right of any party, then a special appeal from such interim order passed by a learned Single Judge is maintainable.

The only test is whether the characteristics of the order amount to grant of final relief, though the same is interlocutory in nature.

15. The order dated 13.03.2026 indicate that not only the effect of election held on 04.03.2026 was stayed, but the Registrar, Cooperative Societies, was also directed to appoint Administrator for day-to-day functioning of the association, and pursuant to the order dated 13.03.2026, the Administrator was appointed by the Registrar on 24.03.2026. Thus, the interim order dated 13.03.2026 qualifies the test as mentioned hereinabove, and this special appeal is maintainable.

(B) Scope of Writ under Article 226 of Constitution in election matters under the Act of 2005.

16. Now comes the interference under Article 226 of the Constitution of India. Admittedly, the association is governed by the "Act of 2005". The "Act of 2005" was enacted to provide registration, recognition, and regulation of sports associations and to facilitate and regulate the activities of the sports associations in the State of Rajasthan.
17. Section 13 under Chapter III provides for elections, whereas Section 14 provides for voting rights and Section 15 for eligibility for contesting elections. Sections 13, 14, and 15 are reproduced as under:-

13. Elections.- (1) Election of the Executive Body of a State Level Sports Association shall be held in the presence of an Observer of the Rajasthan State Sports Council. Election of the Executive Body of a District Level Sports Association shall be held in the presence of Observer of its State Level Sports Association and Observer of the District Sports Council.

(2) On conclusion of the election of the Executive Body of a Sports Association, the election officer shall issue a certificate, duly countersigned by the Observer(s) giving the names and addresses of the elected members. On issuance of such certificate the elected Executive Body shall take charge of the Sports Association. The election officer shall send the copies of such certificate to the Registrar and the Rajasthan State Sports Council.

14. Voting right— (1) Every member of a Primary Sports Body shall have the right to cast one vote in the election of its Executive Body.

(2) Each affiliated Primary Sports Body shall have the right to cast one vote on behalf of that Primary Sports Body for the election of the Executive Body of a District Level Sports Association.

(3) Each affiliated District Level Sports Association shall have the right to cast one vote on behalf of that District Level Sports Association for the election of the Executive Body of a State Level Sports Association.

(4) No individual member shall have a right to cast vote for the election of the Executive Body of a District Level Sports Association or a State Level Sports Association.

(5) Procedure for determining the authorization of persons for the purpose of casting a vote on behalf of a Sports Association may be as prescribed in the bye laws of a Sports Association.

15. Eligibility for contesting elections. (1) All individual members are eligible to contest the elections of a Primary Sports Body.

(2) *Elected Office Bearers of all affiliated Primary Sports Bodies are eligible to contest the elections of a District Level Sports Association.*

(3) *Elected Office Bearers of all affiliated District Level Sports Associations are eligible to contest the elections of a State Level Sports Association.*

(4) *Anyone contesting an election must possess the qualifications prescribed in Schedule C of this Act on the date of notification of the elections.*

18. Section 16 of the "Act of 2005" under Chapter IV "Settlement of Disputes" provides for conciliation and arbitration, in case any dispute arises touching the Constitution, management activity, election or claim to affiliation of any Sports Association. In case of dispute, same would be adjudicated under the Arbitration and Conciliation Act, 1996.

19. The Arbitration and Conciliation Act itself provides a legal framework for efficacious dispute resolution through the arbitration mechanism. While enacting the "Act of 2005" the Legislature kept this object in its mind and enacted provision for resolution through arbitration mechanism. In normal circumstances, a writ jurisdiction is not exerciseable in matter of arbitration.

20. In case of ***Bhaven Construction vs Exe Engineer Sardar Sarovar Narmada reported as AIR ONLINE 2021 SC 6***, a Three Judge Bench of Hon'ble Supreme Court after considering judgment in case of ***M/s Deep Industries Limited Vs. ONGC (2019) SCC Online SC 1602*** and ***P. Radha Bai Vs, P. Ashok Kumar (2019) 13 SCC 445***, has observed as under:-

In view of the above reasoning, we are of the considered opinion that the High Court erred in utilizing its discretionary power available under Articles 226 and 227 of the Constitution herein. Thus, the appeal is allowed and the impugned Order of the High Court is set aside. There shall be no order as to costs. Before we part, we make it

clear that Respondent No. 1. herein is at liberty to raise any legally permissible objections regarding the jurisdictional question in the pending Section 34 proceedings.

21. In case of **Ram Chandra Choudhary & Ors. Vs. Roop Nagar Dugdh Utpadak Sahakari Samiti Limited and Ors. (supra)**, Hon'ble Supreme Court has considered exercise of jurisdiction under Article 226 and observed as under:-

14.2. Conversely, disputes which pertain purely to the internal management, governance or electoral processes of co-operative societies do not, as a matter of course, attract writ jurisdiction merely because such societies owe their incorporation to a statute. The existence of a statutory framework regulating such societies does not by itself convert internal disputes into matters of public law. The exercise of jurisdiction under Article 226 in such cases must therefore be tested on well-established principles, including the nature of the right asserted, the character of the duty alleged to have been breached, and the availability of an efficacious alternate statutory remedy.

However, the mere existence of regulatory or supervisory control, howsoever extensive, is not determinative. Such control must be of a degree that fundamentally alters the character of the body. In the absence of such indicia, disputes which are essentially private or internal in nature fall outside the ambit of judicial review under Article 226.

*14.5. The question whether the respondent societies can be regarded as "State" must be examined in light of the tests laid down in *Ajay Hasia v. Khalid Mujib Sehravardi*¹⁷, which include indicia such as deep and pervasive State control, financial dependence, and functional integration with governmental activities. These principles have been applied to co-operative bodies in *General Manager, Kishan Sahkari Chini Mills Ltd. v. Satrugan Nishad and others*¹⁸, where this Court held that mere regulatory supervision or limited State participation does not suffice to confer the status of an instrumentality of the State. Tested on these parameters, the respondent*

Unions cannot be held to be "State" within the meaning of Article 12.

14.9. In view of the aforesaid discussion, we are of the considered opinion that the writ petitions ought not to have been entertained in the exercise of jurisdiction under Article 226.

15. Even otherwise, the writ petitions were not liable to be entertained in view of the express statutory scheme and the availability of a comprehensive adjudicatory mechanism under the Act, 2001. The relevant provisions of the Act, 2001 are extracted below:

S.58. Disputes which may be referred to arbitration- (2) For the purpose of sub-section (1), the following disputes shall also be deemed to be the disputes touching the constitution, management, or the business of a co-operative society: .. (c) any dispute arising in connection with the election of any officer of the society.

S.60 - Reference of disputes to arbitration (1) The Registrar may, on receipt of the reference of a dispute under section 58 - (a) decide the dispute himself, or (b) transfer it for disposal to any person who has been invested by the Government with powers in that behalf, or (c) refer it for disposal to an arbitrator having the eligibility, prescribed therefor.

S.100 - Execution of orders, Etc.

(1) Notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act 4 of 1882) or any other law for the time being in force, every order made by the Registrar under sub-section (2) of section 57 or under section 99, every decision or award made under section 60, every order made by the Liquidator under section 64 and every order made by the Tribunal under section 105 and 106 and every order made under section 104 shall, if not carried out,-

(a) on a certificate signed by the Registrar, or any person authorised by him in this behalf, be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court;

or (b) be executed according to the law and under the rules for the time being in force for the recovery of arrears of land revenue: ...

S.104 - Appeal to the Registrar and the State Government

S.105 - Constitution of and appeals to the Tribunal

S.106 - Review of orders by Tribunal

S.107 - Power of revision of the Government and the Registrar

S.125 - Power of Registrar to rescind certain resolutions If in the opinion of the Registrar, any resolution passed at the meeting of any cooperative society or committee thereof is opposed to the objects of the society or is prejudicial to the interests of the society or its members at large, or is against the provisions of the Act, the rules or the bye-laws of the society or is otherwise in excess of the powers of the society, the Registrar, may, after giving the society an opportunity of being heard, rescind the resolution.

22. In the instant case, a complete adjudicatory mechanism is provided under the Act of 2005, as a dispute touching the constitution, management activity, election, or claim of affiliation of a sports association is required to be adjudicated under the Arbitration and Conciliation Act, 1996. There is a provision of appeal under Section 35 of the Act of 2005, whereby any sports association or person aggrieved by any order made by the Registrar may prefer an appeal. The provision of revision is also provided under Section 35 within the Act itself. Section 35 is reproduced as under:-

35. Appeal. - (1) Any Sports Association or person aggrieved by an order made by the Registrar under the provisions of this Act may appeal against the order to the Secretary to the Government, Department of Youth Affairs and Sports within thirty days of such an order being made. (2) The decision of the Secretary to the Government, Department of Youth Affairs and Sports made in such an appeal shall be final and a revision against his order may lie with the High Court within thirty days of such an order.

23. Considering aforesaid, the exercise of jurisdiction under Article 226 of the Constitution of India is almost impermissible except in extraordinary circumstances, required to be established to entertain a writ petition.

(C) Other Grounds:-

24. Learned counsel appearing on behalf of Respondent No. 1 has placed reliance upon **Zee Telefilms Limited and Anr. Vs. Union of India and Ors. (supra)** wherein a Constitution Bench has considered guidelines as laid down in **the case of Pradeep Kumar Biswas vs Indian Institute of Chemical Biology reported as (2002) 2 SCC 333**, and also in the case of **Ajay Hasia Etc vs Khalid Mujib Sehravardi & Ors. Etc (1981) 1 SCC 722**, it was held that for a body to be a part of the State under Article 12, the following parameters have to be satisfied:-

(1) Principles laid down in Ajay Hasia, (1981) 1 SCC 722 are not a rigid set of principles so that if a body falls within any one of them it must ex hypothesi, be considered to be a State within the meaning of Article 12.

(2) The question in each case will have to be considered on the basis of facts available as to whether in the light of the cumulative facts as established, the body is financially, dominated, by or under the control of the Government functionally, administratively

(3) Such control must be particular to the body in question and must be pervasive.

(4) Mere regulatory control whether under statute or otherwise would not serve to make a body a part of the State.

25. The material on record further suggests that on 25.02.2026, the learned Single Judge has passed the following order.

"The instant writ petition has been filed by the petitioner with basic payer that the respondent Registrar Cooperative Society, Rajasthan, be directed to conclude the inquiry initiated vide order dated 10.06.2023 in a stipulated period. The learned Additional Advocate General, Mr. B.S. Chhaba, appearing for the Registrar Cooperative Society, Rajasthan, on instructions submits that the inquiry would be completed and concluded within a period of two weeks' from today. List this matter on 12.03.2026.

The respondents would be at liberty to conduct the election of Rajasthan Chess Association by nominating any other person as a Returning Officer, in case, the existing Returning officer consent for withdrawing himself to be the Returning Officer."

26. The respondents were given liberty to conduct the election by nominating any other person as a Returning Officer, in case the existing Returning Officer consent for withdrawing himself to be the Returning Officer. It means there was a discretion or voluntariness before the Returning Officer for withdrawal. There was no order in specific for replacing or changing the Returning Officer. The subsequent order dated 13.03.2026 indicate that the learned Single Judge has considered following arguments advanced by the writ petitioner:-

"Learned counsel for the petitioner submits that even after the specific observations of this Court made in order dated 25.02.2026 that "The respondents would be at liberty to conduct the election of Rajasthan Chess Association by nominating any other person as a Returning Officer, in case, the existing Returning Officer consent for withdrawing himself to be the Returning Officer", the earlier Returning Officer himself had conducted the elections and such action of the Returning Officer is a clear disobedience of the Court's order.

Registry is directed to issue notice to Shri Umesh Kumar Sharma C/o Shri Vinesh Sharma, 293, Indira Colony, Nagaur why, contempt proceedings may not be initiated against him for alleged disobedience of the Court's order dated 25.02.2026."

27. Learned AAG has submitted to the Learned Single Judge's Court that they have completed the inquiry but fresh elections were held so, no further action is required. The counsel for petitioner has further argued in following manner:-

"Learned counsel for the petitioner submits that in the inquiry conducted by the Cooperative Department, the erstwhile body of the Rajasthan Chess Association has been held guilty of certain irregularities and the elections have been conducted by a Returning Officer nominated by such body.

Taking into consideration the aforesaid peculiar facts, the Court deems just and proper to stay the effect of the election held on 04.03.2026 by the Returning Officer nominated by the erstwhile association and the Registrar, Cooperative Societies shall appoint an administrator for day to day functioning of the association."

28. The writ petition was filed on 26.08.2025 for a direction to Respondent No. 3 to conclude the inquiry initiated vide order dated 10.06.2023, and with a further relief for declaration of the election notice dated 03.12.2024 issued by Respondent No. 1 as null and void. Further, for a direction to the Registrar for appointment of an ad hoc committee for fresh elections. The chain of events suggests that initially there was a stay on the said election, but the same was modified on 25.02.2026, and taking advantage of the same, elections were conducted on 04.03.2026, wherein the present appellant was declared as Honorary Secretary. The subsequent event of election is required to be challenged under Section 16 of the Act of 2005. There is no remedy provided under Article 226 of the Constitution of India, as it is beyond the scope of the writ petition.

29. As regards to contempt jurisdiction is concerned, the same is quite different, and the learned Single Judge may institute suo motu contempt, but cannot pass an order which is not authorized under the law. The judgment in the case of **Zee Telefilms Limited and Anr. Vs. Union of India and Ors.**

(supra) is of no help to the learned counsel for Respondent No. 1, but certainly the appellant has locus to challenge the interim order dated 13.03.2026, whereby his rights were substantially decided by the learned Single Judge.

30. The counsel for Respondent No. 1 has raised the issue of biasness and also of favoritism on the part of the Election Officer. The allegations are to the extent that the Election Officer and the present appellant are real brothers. The allegation regarding the election held on 04.03.2026 can be challenged only under Section 16 of the Act of 2005 and not by way of a writ petition under Article 226 of the Constitution of India. A writ court is not a fact-finding court, and no jurisdiction is vested in a writ court to decide factual disputes. Similarly, biasness, favoritism, and unfairness are required to be pleaded in specific terms, and the same has to be established on record.
31. The Court is also bound to give an opportunity to rebut the allegations to the person against whom such allegations are made. Thus, before deciding the issue finally, it is necessary to follow the principles of natural justice.
32. Considering the discussions made herein-above, the Special Appeal (Writ) preferred by the appellant is maintainable, and the order passed by the learned Single Judge is contrary to the settled canons of law and requires interference and is liable to be set aside.
33. In view of the discussions made herein-above, the instant D.B. Special Appeal (Writ) is hereby allowed, and the order



dated 13.03.2026 passed in S.B. Civil Writ Petition No. 13261/2025 is set aside and quashed.

34. Pending application(s), if any, also stands disposed of.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J

MONU KAMRA/198-S