

**Court No. - 10**

**Case :-** WRIT - C No. - 7283 of 2022

**Petitioner :-** C/M Madarsa Hanfia Faizul Uloom Ahle Sunnat And 21 Others

**Respondent :-** State Of U.P. And 7 Others

**Counsel for Petitioner :-** Hritudhwaj Pratap Sahi, Raees Ahamad, Sanjay Kumar Srivastava, Sankalp Narain, Sr. Advocate

**Counsel for Respondent :-** C.S.C., Arun Kumar, Gulrez Khan, Javed Husain Khan, Muqem Ahmad

**Hon'ble Kshitij Shailendra, J.**

1. Heard Sri Sanjay Kumar Srivastava, learned counsel along with Raees Ahmad, learned counsel for the petitioners, learned Standing Counsel for State-respondents and Sri Muqem Ahmad, learned counsel for contesting respondents 3 to 8.

2. After arguing the matter at some length, both the parties agreed that the elections under Section 25(2) of the Societies Registration Act, 1860 may be directed to be held on the basis of electorate college finalized on 30.10.2012.

3. The court has perused the second prayer contained in the writ petition, which is also on the same terms.

4. Learned counsel for the respondent submits that initially he was opposing the writ petition by filing a counter affidavit, however, he has filed a withdrawal application dated 4.3.2023, which is on record as Application No. 6 of 2023, by which prayer to withdraw the stay vacation application and counter affidavit has been made.

5. The withdrawal application is allowed. Stay vacation application is rejected.

6. In view of the fact that periodical elections of the Society should be held under a democratic system, pendency of the writ petition for long time, would serve no purpose and in view of the consensus arrived at between the parties, the writ petition is **disposed of** setting aside the order impugned dated 14.2.2022 and issuing direction to the concerned Authority to hold elections under Section 25(2) of the Act on the basis of list of members finalized under the order dated 30.10.2012. The elections shall be

held strictly in accordance with registered bye-laws of the Society and after satisfying all other requirements **within a period of three months** from the date a certified copy of this order is produced by either side before the Assistant Registrar.

**Order Date :- 22.11.2023**

CS/-