

Court No. - 38

Case :- WRIT - C No. - 20733 of 2023

Petitioner :- C/M Adarsh Sanskrit Vidyalay And Another

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.,Arvind Kumar Upadhyay,Indra Raj Singh

with

Case :- WRIT - C No. - 29858 of 2023

Petitioner :- Vipin Kumar Sharma @ Vipin Vishwakarma And 2 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.,Arvind Kumar Upadhyay

Hon'ble Kshitij Shailendra,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri V.K. Singh, learned Senior Counsel, assisted by Sri Gopal Ji Rai, learned counsel for the petitioners, learned Standing Counsel for the State-respondents and Sri Indra Raj Singh along with Sri Arvind Kumar Upadhyay, learned counsel for the respondent no.5 in both the writ petitions.
3. Both these writ petitions have been filed challenging the same order dated 14.06.2023 whereby the Assistant Registrar has declared registration of the list of office bearers on 10.04.2023 for the period 2023-24 as invalid until further orders calling upon the parties to appear before him along with the documents for holding further proceedings.
4. It is contended by Sri V.K. Singh, learned Senior Counsel, that under the Right to Information Act, 2005 an information has been issued by the Assistant Registrar on 05.10.2023 stating that after election proceedings dated 02.09.2018 submitted along with the application dated 10.10.2018 by Sri Jai Prakash Sharma, no election proceedings have been made available to the office of Assistant Registrar and next date was fixed for hearing pursuant to the order impugned dated 14.06.2023. It is, therefore, contended that term of the society being three years has expired in the year 2021 and, therefore, the elections be held under Section 25(2) of the Societies Registration Act, 1860.

5. Sri Indra Raj Singh, learned counsel for the respondent no.5, has vehemently opposed the writ petitions and submits that in the elections held on 02.09.2018, the respondent no.5 was elected as President/Manager and the term is till continuing and, even otherwise, it is the outgoing committee which is entitled to hold elections. It is further contended that the petitioners of both the writ petitions are strangers to the society and they express themselves as members and they placed fabricated proceedings that they have been elected as Manager of the society concerned, therefore, they have no locus in the matter.

6. Learned Standing Counsel submits that once the dispute was raised before the Assistant Registrar and he is already hearing both the parties, impugned order is simply in the form of notice calling upon the parties to address the Assistant Registrar and the proceedings pending before him shall be finally adjudicated.

7. Having heard the learned counsel for the parties and without making any comment upon the merits of the rival claims in relation to the society, the writ petition is **disposed of** directing the Assistant Registrar, Firms Societies and Chits, Azamgarh Region, Azamgarh (respondent no.3) to conclude the proceedings pending before him **on or before 15.01.2024** after affording opportunity of hearing to the parties to both the writ petitions and after examining the reply submitted by them, provided a certified copy of this order is produced before the Assistant Registrar by either side within a period of **two weeks** from today.

Order Date :- 1.11.2023

AKShukla/-