

Court No. - 10

Case :- WRIT - C No. - 22659 of 2023

Petitioner :- Parag Gupta And 5 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Pankaj Kumar Govil, Punit Khare

Counsel for Respondent :- C.S.C., Sudhanshu Kumar, Swapnil Kumar

Hon'ble Kshitij Shailendra, J.

1. Counter affidavit filed today on behalf of respondent Nos. 3 and 4 is taken on record.

2. This Court passed the following order on 22.09.2023:

"1. Sri Swapnil Kumar, learned counsel has put in appearance on behalf of the respondents no.3 and 4, i.e. the Outgoing Committee and also the Election Officer, who conducted the elections. He submits on the basis of instructions received so far that the body elected pursuant to the elections dated 03.06.2023 has taken oath of the respective offices.

2. Considering the frame of the writ petition, particularly the prayers made, it is desirable that all the developments pursuant to the elections dated 03.06.2023 be brought on record.

3. Let a counter affidavit be filed by Sri Swapnil Kumar on or before the next date fixed.

4. Put up this case as fresh on 18.10.2023."

3. It is contended by the learned counsel for the petitioners that the concerned elections relied upon by the rival parties have been challenged by the petitioners before the respondent No.2, Deputy Registrar, Firms, Societies and Chits, Agra Region, Agra, who has issued notices to the concerned parties for the purposes of adjudication of the dispute and, therefore, this Court may direct the Deputy Registrar, Firms, Societies and Chits, Agra Region, Agra, to conclude the proceedings.

4. Learned Standing Counsel submits that if notices have been issued by the respondent No.2, Deputy Registrar, Firms, Societies and Chits, Agra Region, Agra, the proceedings shall be concluded in accordance with law, after hearing both the sides.

5. Learned counsel for respondents No. 3 and 4 submits that the writ petition is not maintainable as the petitioners do not form quorum of 1/4th members of the Society and have not impleaded newly elected office bearers. They also attach the validity to their elections.

6. Considering the facts and circumstances of the case and without expressing any opinion on the rival claims, the writ petition is **disposed of** directing the respondent No. 2 Deputy Registrar, Firms, Societies and Chits, Agra Region, Agra, to conclude the proceedings pending before him, after providing full opportunity of hearing to the parties concerned **on or before 31.01.2024**, provided a certified copy of this order is filed before the respondent No. 2 within a period of **two weeks from today** by either side.

7. It is made clear that this Court has not examined the merits of the claim of the rival parties and the respondent No. 2 shall decide the matter strictly in accordance with law within the scope of his jurisdiction and powers conferred by Societies Registration Act, 1860.

Order Date :- 30.10.2023

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