

Court No. - 10

Case :- WRIT - C No. - 26093 of 2023

Petitioner :- Deepu Kumar Gupta And 4 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sheetla Sahai Srivastava

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

Hon'ble Kshitij Shailendra,J.

1. Heard learned counsel for the petitioners, learned counsel for the respondents, learned Standing Counsel for the State-respondents and perused the record.

2. This petition has been filed by five persons, who claim to have been enrolled as members of the society, namely, Hira Lal Barehsaini Inter College, Aligarh Society, with a grievance that their names are not being included in the electoral list, although after expiry of the term of the society/ committee, fresh elections are to be held.

3. On perusal of the record, I find that in 2019 one Ashok Kumar Gupta was elected as Manager of the committee in view of the pleadings contained in the writ petition, however, the respondent no.5-Committee of Management, on whose behalf a caveat application has been filed, has been shown to be represented to one Nitesh Kumar Gupta.

4. I find that the application moved by the petitioners before the Assistant Registrar does not appear to be in conformity with any statutory provision and this Court, considering the fact that, according to the petitioners, around 1,000 members have been enrolled, is not inclined to issue any direction at this stage to hold up elections with regard to which two prayers have been made in

the writ petition. Once the term of the Committee has been expired, fresh elections are to be held and, the Court cannot prejudge the validity of the elections or the electoral body merely at the instance of five members out of 1,000, particularly when certain facts are still not clear.

5. Saving the rights of the petitioners to assail the validity of the elections or any electoral roll to be notified or to be prepared, this petition is **dismissed**.

Order Date :- 12.10.2023

Anurag/-