

Court No. - 10

Case :- WRIT - C No. - 28268 of 2023

Petitioner :- Chintaman

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

Counsel for Petitioner :- Mayank Srivastava, Pramod Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Mayank Srivastava, learned counsel for the petitioner and Sri R.P. Tiwari, learned Standing Counsel for the State-respondents.

2. Considering the nature of dispute, this Court passed following order on 12.10.2023:-

"1. Learned counsel for the petitioner appears to have some grievance regarding alleged unlawful withdrawal of his nomination which he claims to have submitted before the Committee for the post/ election of Sanchalak, Kishan Sahkari Samiti Bhandra, Mauranipur Jhansi.

2. The aforesaid society being a cooperative society, learned counsel for the petitioner seeks time to place before this Court the relevant provisions of the U.P. Cooperative Societies Act/ rules/ regulations framed thereunder so as to address the Court on the competence of any authority which can entertain such kind of grievance under the law.

3. Put up this case as fresh on 09.11.2023."

3. Learned counsel for the petitioner, with respect to the query raised under the aforesaid order, has placed before this Court Rule 50 of U.P. State Cooperative Societies Election Rules, 2014, according to which, the District Magistrate is the authority competent to take a decision in the matter either himself or by appointing some other officer as his delegatee and that the petitioner's case is covered by Rule 50(2)(Kha)(1) of the Rules, 2014, i.e. the alleged cancellation of nomination paper in the concerned elections.

4. Learned Standing Counsel submits that in view of the statement of the learned counsel for the petitioner, no direction can be issued from this Court as prayed, however, he does not dispute the competence of the District Magistrate in such matters.

5. The writ petition is accordingly **disposed of** permitting the petitioner to approach the District Magistrate, Jhansi (respondent

no.2) by means of a claim/ application/ representation in terms of Rule 50 of the Rules, 2014 with appropriate contents and prayers by impleading necessary parties.

6. In case such an application/ representation/ claim is made before the District Magistrate, Jhansi along with certified copy of this order **on or before 15.12.2023**, the same shall be registered and the District Magistrate shall call upon the concerned parties to make their say in the matter and, after giving full opportunity of hearing to the parties, shall decide the dispute in consonance with Rule 50 of the Rules, 2014, **on or before 31.03.2024**.

Order Date :- 9.11.2023

AKShukla/-