

Court No. - 10

Case :- WRIT - C No. - 28879 of 2023

Petitioner :- C/M Khamariya Anjuman Islahul Muslemeen And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohammad Ali Ausaf, Hritudhwaj Pratap Sahi, Sr. Advocate

Counsel for Respondent :- C.S.C., Abhishek Singh, Kailash Singh Kushwaha, Yadu Nath Singh

Hon'ble Kshitij Shailendra, J.

1. Heard Shri G.K. Singh, learned Senior Advocate assisted by Shri Mohammad Ali Ausaf, learned counsel for the petitioners, learned Standing Counsel for the State-respondent Nos. 1 to 3.
2. A caveat application has been filed by Shri Abhishek Singh and Shri Yadu Nath Singh, learned counsel on behalf of one Kitabuddin, who is not a party to the proceedings.
3. This Court in exercise of powers under Chapter XXII Rule 5-A of the Allahabad High Court Rules, 1952, is empowered to hear any person, who has not been arrayed as party to the proceedings. Even otherwise, the caveator being complainant in the matter and having been arrayed as respondent No. 2 in the appeal referred to herein-below, needs some hearing.
4. This writ petition has been filed challenging the order dated 26.05.2023 passed by the Assistant Registrar, Firms, Societies and Chits, Varanasi Mandal, Varanasi.
5. Shri G.K. Singh, learned Senior Advocate submits that after filing of the writ petition, the petitioners have filed appeal under section 4 (1-A) of the Societies Registration Act, 1860 before the Commissioner, Varanasi Region Varanasi. The memo of the said appeal has been shown to this Court, which shows that the order impugned is the same and caveator is a party to the proceedings.
6. In view of remedy of appeal already availed by the petitioners, this writ petition stands **disposed of** directing the Commissioner, Varanasi Division, Varanasi to decide the appeal of the petitioner **by the end of February, 2024**, after providing full opportunity of

hearing to the parties concerned, provided a certified copy of this order is filed before him **in the month of December, 2023.**

Order Date :- 7.12.2023
Sazia