

Court No. - 10

Case :- WRIT - C No. - 32426 of 2023

Petitioner :- Nand Lal Singh And Another

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

Counsel for Petitioner :- R. K. Singh Kaosik

Counsel for Respondent :- C.S.C.,Hritudhwaj Pratap
Sahi,Sankalp Narain

Hon'ble Kshitij Shailendra,J.

1. Heard Sri R.K. Singh Kaosik, learned counsel for the petitioners, learned Standing Counsel for respondent nos. 1 and 2 and Sri Sankalp Narain, learned counsel for respondent no.3.

2. Considering the prayer made in the writ petition, this Court passed the following order on 22.9.2023:

"1. The prayer made in this writ petition is that the Assistant Registrar, Firms Societies and Chits, Varanasi Region Varanasi be directed not to register the list of office bearers of the Committee/Society arrayed as respondent No. 3.

2. The concerned elections were held in July, 2022 i.e. more than one year ago. There may be some developments in between.

3. No relief challenging the elections has been claimed in the present writ petition, however, the matter shall be considered after respondent No. 3 puts in appearance.

4. Issue notice to respondent No. 3, returnable within four weeks. Steps be taken within a week.

5. Put up this case as fresh on 08.11.2023."

3. Sri Sankalp Narain, Advocate, has put in appearance on behalf of respondent no.3 and has referred to pleadings contained in paragraph nos. 4, 10 and 11 of the writ petition. He submits that the petitioners admit status of respondent no.3 as Manager of the Society since 2006-07 and in so far as the petitioner nos. 1 and 2 are concerned, the pleadings are to the effect that the name of the petitioner no.1 was there in the list of members up to the year 2014-15, but did not find mention in the list for the year 2018-19 and, similarly, the name of petitioner no.2 was there in the list of members of the Society for the year 2006-07, but was excluded from the list of 2010-11. He, therefore, submits that once the periodical elections have been conducted and the Committee of Management headed by respondent no.3 is admittedly in power, an order restraining registration of list of members of the Society/Office bearers by the respondent no.3, cannot be issued. He further submits that

the petitioners have belatedly filed the present petition without explaining the steps taken by them after 2010-11 (in case of petitioner no.2) and after 2014-15 (in case of petitioner no.1).

4. Learned counsel for the petitioner submits that the petitioners have filed a representation dated 9.2.2023 before the Assistant Registrar. He has further referred to another representation dated 14.8.2023 which appears to have been submitted before the Assistant Registrar by 142 members. The application dated 14.8.2023 contains the prayer that fresh elections be held after setting aside the previous elections.

5. Learned Standing Counsel submits that once any elected body produces the documents pursuant to the elections held from time to time, the Authorities are under statutory obligation to recognize them and there being nothing on record to demonstrate the elections held by the respondent no.3 are invalid, the prayers made in the writ petition cannot be granted.

6. Having heard learned counsel for the parties, I find that even as per the petitioners themselves, they are not included in the list of members for the last several years. There is nothing on record to demonstrate that the petitioners ever agitated their claim for membership at the relevant period of time. Insofar as, the question of representations of the petitioners submitted before the Assistant Registrar are concerned, I have perused the representation dated 9.2.2023 which is in the form of a ten line application stating that the petitioners are life members since long and without hearing them, no proceedings can be carried out. There is no valid ground in both the representations as to under which statutory provision the elections be set aside and even no details have been disclosed in the said representations. Further, only two persons have come up before this Court and filed this writ petition for setting aside the elections and that too, without any substantial basis. The said representations are meant only to alter the lists of office bearers. Such representations do not correspond to any statutory provision and, therefore, no relief can be granted to the petitioners on merits as well as considering the stage they have approached this Court.

7. In view of above, the writ petition has no merit and is, accordingly, **dismissed**.

Order Date :- 21.11.2023/CS/-