

Court No. - 52

Case :- WRIT - C No. - 19279 of 2016

Petitioner :- Radha Krishna Tripathi And 18 Others

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

Counsel for Petitioner :- Sharad Chandra,Hritudhwaj Pratap Sahi,Vijay Kumar Singh

Counsel for Respondent :- C.S.C.,H.P. Sahi,Yogesh Kumar Saxena

Hon'ble Saurabh Srivastava,J.

Supplementary affidavit filed today is taken on record.

At the very outset Shri V.K.Singh, learned Senior Advocate assisted by Shri Hritudhwaj Pratap Sahi, learned counsel for the petitioners submitted that as per the alternative remedy available in pursuance to the latest amendment made in the Societies Registration Act on 18.7.2022, all the orders which impugned the present petition has already been challenged in appeal and during pendency of the writ petition fresh election dated 10.6.2016 and also April 2021 which has been registered by the Assistant Registrar on 29.6.2021, on a very fair submission Shri Hritudhwaj Pratap Sahi submitted that all the orders challenged in the in the instant petition are appealable, for the same appeal has already been preferred and the same is still pending and as such petitioners may be permitted to withdraw the present petition for contesting the appeal pending before the Commissioner, Kanpur Division, District Kanpur.

Shri Yogesh Kumar Saxena, learned counsel for respondent no.4 disputed the action of the petitioners in shape of preferring appeal against the orders which have been passed prior to the amendment made in the Societies Registration Act. The objection made by Shri Saxena may also be subject to adjudication by the Commissioner, if so raised during the proceedings of appeal by respondent no.4.

In view of the aforementioned facts and circumstances, prayer as made by learned counsel for the petitioners is hereby allowed.

Writ petition is **dismissed as withdrawn.**

Order Date :- 17.11.2023

Rakesh