

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7277 of 2023

Applicant :- K.P. Singh Yadav

Opposite Party :- Ravindra Kumar , Assistant Commissioner And Assistant Registrar and Another

Counsel for Applicant :- Krishna Mohan Misra

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 25.05.2023 in Writ-C No.18050 of 2023 had passed the following order:-

"1. Impleadment application filed today is taken on record.

2. Heard Sri R.K.Ojha, learned Senior Advocate assisted by Sri Dinesh Tiwari, learned counsel for the petitioner; Sri Satyam Singh, learned Standing Counsel for the State-responent; Sri N.K.Giri, learned counsel for the respondent no. 3 and Sri H.R.Mishra, learned Senior Advocate assisted by Sri Abhishek Mishra, learned counsel for newly impleaded respondent no. 7.

3. The present writ petition has been preferred for a mandamus commanding the respondents firstly to decide the electoral college and thereafter to conduct the election of Suraksha Gramin Sahkari Awas Samiti Limited, Nainana Jat, Agra within stipulated period.

4. In support of the impleadment application, Sri H.R.Mishra, learned Senior Advocate assisted by Sri Abhishek Mishra, learned counsel for the applicant submits that the dispute with regard to ouster of the applicant Sri K.P.Yadav who claims to be Secretary of the society in question, is still pending for consideration before Hon'ble Apex Court in Special Leave To Appeal (C) No(s). 9199/2023 (K.P.Singh Yadav Versus The State of Uttar Pradesh & Ors.), wherein, the Apex Court has already issued notice on special leave petition(s) as well as on the prayer(s) for interim relief, returnable on 03.07.2023 vide order dated 08.05.2023. In this backdrop, he submits that the applicant is a necessary party in the matter and he may also be permitted to place his voter list to the competent authority before deciding the electoral college of the society in question. The said request is not objected by Sri R.K.Ojha, learned Senior Advocate for the petitioner as well as Sri N.K.Giri, learned counsel for the respondent no. 3.

5. The impleadment application is allowed. Let the same be carried out forthwith.

6. Considering the facts and circumstances, without adverting on merits of the issue and on consent, we leave it open for the parties to submit their voter list before the competent authority within two weeks from today. In case, they set up their claim within stipulated time, we expect that the

authority concerned would proceed to decide the electoral college further in four weeks time and thereafter the requisite information would be sent to the Election Commission. We hope and trust that the Election Commission would proceed thereafter to conduct the election of the society in question as per law expeditiously and preferably within two months time.

7. With the aforesaid observations, the present writ petition stands disposed of."

Affidavits of compliance have been filed on behalf of the opposite parties no.1 and 2, which are taken on record."

In para 4 of the affidavit of compliance filed on behalf of opposite party no.1, it has been stated that the electoral college has been prepared and has been sent to the Election Commission on 25.11.2023.

As the order of writ Court was only to the extent to prepare the electoral college and to send the same to the Election Commission, which the opposite party had done, present contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

Order Date :- 1.12.2023

SK Goswami