

Court No. - 32

Case :- WRIT - C No. - 35187 of 2023

Petitioner :- Surendra Singh

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

Counsel for Petitioner :- Om Prakash Ojha, Rabindra Nath Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

1. The present petition has been filed praying for the following reliefs :-

"(i) Issue writ, order or direction in the nature of mandamus commanding the respondent no. 2 to pass appropriate order taking into consideration of inquiry report dated 13.06.2023 of the respondent no. 3."

2. The aforesaid prayer has been made as the report dated 13.06.2023 of the Sub-Divisional Magistrate supports the construction of a godown at Sadhan Sahkari Samiti Ltd. Sunahule, Block Kamasin, Tehsil Baberu, District Banda. The dispute arose because a decision has been taken that the godown shall be constructed at Village Andauli. The godown has to be constructed under the Atma Nirbhar Yojana of the Government of India. The petitioner has not been filed by the Sadhan Sahkari Samiti. The petitioner has nowhere stated in the petition that he is a member of the Society. It has been stated in paragraph 2 of the writ petition that the Committee of Management of the Society has authorized the petitioner to file the writ petition and to protect the interest of the aforesaid Samiti. The said authorization is not permissible. A co-operative society, after registration, is a body corporate by the name under which it is registered having perpetual succession and a common seal and it is the Society which institutes and defends the legal proceedings. The Society is represented by its Secretary who signs and authenticates all documents for and on behalf of the Society (Section 31 of the U.P. Co-operative Societies Act, 1965). The Secretary is the Chief Executive Officer of the Society and the powers and duties of the Secretary cannot be delegated to any other person. The petitioner himself has no locus standi to file the present petition.

3. The petition is dismissed.

Order Date :- 1.11.2023/Pratima