

Court No. - 32

Case :- WRIT - C No. - 37968 of 2023

Petitioner :- Matasya Jivi Sahkari Samiti Ltd.

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

Counsel for Petitioner :- Prathamesh Upadhyay, Raj Narayan

Counsel for Respondent :- CSC, Sanjeev Kumar Saxena

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

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

"(A) Issue a suitable writ, order or direction in the nature of mandamus to direct the respondent no.2 to 4 to consider petitioner as the Sachiv in regard to the allotment of fisheries lease on behalf of Samiti.

(B) Issue a suitable writ, order or direction in the nature of mandamus directing the respondent no. 5 not to interfere in the working of the petitioner."

2. One Fool Singh was working as Secretary of Matasya Jivi Sahkari Samiti Ltd. Katari, Ghatampur, District Kanpur Nagar. It has been stated by Sri Sanjeev Kumar Saxena representing the Matasya Jivi Sahkari Samiti Ltd. that vide resolution no. 5, dated 22.09.2023, Fool Singh has been removed from the post of Secretary of the Society. The said resolution has not been challenged before any authority. A copy of the resolution dated 22.09.2023 has been handed over to the Court, which is taken on record and shall be treated as part of the record of the case.

3. It was argued by counsel for the petitioner that vide order dated 28.07.2023 passed in Writ- C No. 24180 of 2023, this Court had directed that the result of the elections of the Committee of Management of the Society shall be subject to the decision of the writ petition and the present Committee of Management having been elected in the elections which are subjudice in Writ-C No. 24180 of 2023 could not have removed the petitioner from the post of Secretary.

4. The order dated 28th July, 2023 does not prohibit the newly elected Committee of Management to function as such and the elected Committee of Management is entitled to exercise all the

powers vested in it under the U.P. Co-operative Societies Act, 1965.

5. Apart from the aforesaid reason, the petition has been filed praying for a mandamus to direct the respondent nos. 2 to 4 to consider the petitioner as a Secretary in regard to the allotment of fisheries lease on behalf of the Committee of Management. Fool Singh has not filed the petition in his individual capacity. The petition has been filed by Matasya Jivi Sahkari Samiti Ltd. through Fool Singh who before the resolution dated 22.09.2023 was the Secretary of the Society. The Society itself cannot be considered as its own Secretary.

6. The petition is dismissed.

Order Date :- 3.11.2023

Pratima