

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 149 of 2017**

1. Alakh Ram Yadav S/o Late K. R. Yadav, Aged About 54 Years President, Chhattisgarh Jheriya Yadav Samaj, Raipur, Registration No. 5066/96, R/o Sai Mandir, Raja Talab, Raipur, Revenue & Civil District Raipur (Chhattisgarh).
2. Santuram Yadav, S/o Late Ganesh Ram Yadav, Aged About 56 Years Secretary, Chhattisgarh Jheriya Yadav Samaj Raipur, R/o Ganesh Bhawan, R. D. A. Colony, Tikarapara, Raipur (Chhattisgarh).

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1. State Of Chhattisgarh Through : The Secretary, Department Of Commercial & Industries, Mantralaya, New Raipur, Police Station Rakhi, District Raipur (Chhattisgarh).
2. The Registrar, Firms And Societies, Indrawati Bhawan, Block- I Third Floor, New Raipur, District Raipur (Chhattisgarh).
3. The Sub Registrar, Firms And Societies, Indrawati Bhawan, Block- I Third Floor, New Raipur, District Raipur (Chhattisgarh).
4. Jagnik Yadav, S/o Late Budhram Yadav, Aged About 53 Years R/o Dahaliya 661, Taalpuri Colony, Bhilai District Durg (Chhattisgarh).

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For Appellants	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri B.Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****20/04/2017**

1. This appeal is against the judgment of the Learned Single Judge issued on a writ petition challenging an election which is governed by the provisions of the Madhya Pradesh Society Registrickaran Adhiniyam, 1998 (hereinafter referred to as '1998 Rules').

2. The result of the election was interfered with to the extent it related to all officers other than that of the President. This is the net result of the decision of the Registrar, the Government and the Learned Single Judge. We say this at the outset because the controversy that is sought to be raised in the writ appeal is as to whether there were legitimate elections in accordance with law regarding the other posts and whether the direction to nominate gives the President authority to do so. Examining the orders of the Registrar, the Government and the impugned judgment of the Learned Single Judge, we are of the view that there is no rule for any nomination by the elected President.

3. The aforesaid means that the election of the 4th Respondent as President will stand. The other posts will be treated as vacant. Due procedure in accordance with law in terms of the aforesaid rules will be followed and election will be held to those vacancies treating them as available for such election.

4. This writ appeal is ordered clarifying the fact situation and the effect of the judgment of the Learned Single Judge and the orders of the State Government and the Registrar to the aforesaid effect.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE