

Court No. - 54

Case :- WRIT - C No. - 23879 of 2019

Petitioner :- C/M Sri Sanatan Dharm Ram Leela Mahotsava Samiti And Another

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Aklank Kumar Jain

Counsel for Respondent :- C.S.C.,Arvind Agrawal

Hon'ble Ajit Kumar,J.

Heard Sri Aklank Kumar Jain, learned counsel for the petitioner, Sri H.N. Singh, learned Senior Counsel assisted by Sri Vineet Kumar Singh, learned counsel for the contesting private respondents and learned Standing Counsel for the State.

By means of the present petition, the petitioners by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, who claimed to be a valid office-bearers of the Committee of Management of the society, have assailed the order passed by the Prescribed Authority dated 3rd June, 2019 whereby the election held on 1st September, 2018 of the office bearers of the Committee of Management have been held to be invalid for the reasons assigned therein.

It is admitted to the parties that there is no dispute of membership of the society and there is no further dispute of last election held of the Committee of Management on 22nd August, 2018 electing 11 members to the body. However, there arose a dispute of further election of office bearers as contemplated under the provision 6(D) of the bylaws.

From the perusal of the bylaws, I find that the term of the Committee of Management to be elected is one year and in every Hindi month of *Bhadanv* (August) the election of new Committee of Management has to be held.

In the special facts and circumstances of the present case, I find that any dispute if is sought to be resolved by entertaining the writ petition and keeping the matter pending would only result in ultimately running out of the term of the existing Committee of Management and a new Committee of Management has to be elected. Besides above, keeping the writ petition pending any further would create impasse so far as the election of new Committee of Management is concerned.

Learned counsel for the respective parties agree that though last elections were held on 22nd August, 2018 but the office bearers

elected on 1st September, 2018 could not take charge in view of the on going dispute being adjudicated at the end of the prescribed authority, virtually, there is no existing Committee of Management to operate and in such situation, a direction can be issued to the Deputy Registrar, Agra to hold a fresh election in terms of the provision contained under the bylaws of the societies within a period of one month and office bearers further within a period of one week.

In view of the above special facts and circumstances of the case, this Court quashes the order dated 3rd June, 2019 and directs at the same time to Deputy Registrar, Agra to hold a fresh election of the Committee of Management of the society, namely, Sri Sanatan Dharm Ramleela Mahotsava Samiti within a period of 30 days from today by appointing election officer who shall publish the election schedule and soon after the election of Committee of Management as contemplated under the bylaws the election officer shall further fix a date for holding election of the office bearers of the society from amongst members elected to the Committee of Management.

The entire exercise in any event shall be concluded by 31st August, 2019 and thereafter the Deputy Registrar, Agra shall proceed to recognize the Committee of Management and register the list of the office bearers.

With the aforesaid observations/ directions, the writ petition stands disposed of.

Order Date :- 23.7.2019

Atmesh