

(2025) 03 UK CK 0802

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 718 Of 2025

Anil

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 05-03-2025

Acts Referred:

Citation : (2025) 03 UK CK 0802

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Parikshit Saini, M.S. Bisht, Sandeep Kothari

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The challenge in this petition is made to the notification dated 01.03.2025 issued by the respondent no.3 (Annexure 7), by which fresh schedule for election of the Cooperative Societies has been published.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the petitioner would submit that earlier also, a notification was published on 25.01.2025. It was challenged in Writ Petition (M/B) No. 33 of 2025, Akhlaq Ahmed Vs. State of Uttarakhand and others ("the first petition"), on the ground that ineligible persons were appointed Election Officers. The first petition was decided on 20.02.2025, in paras 8, 9 and 10, the Division Bench of this Court held as follows:-

"8. The very appointment of the Election Officer being illegal and in the teeth of the findings rendered by this Court in Sab Singh Mehra (supra), the actions taken by the said Officer cannot be clothed with legality.

9. In that view, there shall be a direction to the District Magistrate, Haridwar to reverse the proceedings/orders taken and passed by the said Officer and re-do

the same afresh.

10. This order be circulated to the Chief Secretary, Government of Uttarakhand and to all the District Magistrates within the State of Uttarakhand.”

4. It is argued that unaffected by the finding recorded in the first petition on 20.02.2025 by the Division Bench of this Court, in the impugned notification at Serial No. 3 of the note it is stated that pursuant to the notification dated 25.01.2025, the candidates who have been elected uncontested shall not be affected. It is argued that it is against the direction of the Court’s order dated 20.02.2025 passed in the first petition.

5. Learned counsel for the respondent no.3 would submit that the directions given by this Court in the first petition on 20.02.2025 are to be followed in letter and spirit. For which, he would submit that note 2 of the impugned notification is relevant and whichever societies elections are affected by virtue of the directions of this Court passed on 25.02.2025 in the first petition, their re-election is to be done.

6. The Court takes on record the statement given by learned counsel for the respondent no.3.

7. In view of the statement that has been given by learned counsel for the respondent no.3, nothing survives in this petition. It stands disposed of accordingly.