
(2011) 03 AHC CK 0289

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 15095 of 2011

Jeet Singh and Anr

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-03-2011

Acts Referred:

Citation : (2011) 03 AHC CK 0289

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Dilip Gupta, J.—This petition seeks a direction upon the State Respondent to appoint an Authorised Controller to conduct the affairs of Shree Gurdwara Shree Guru Nanak Deo Thalee Sahab Village-Kishanpur Post Office-Latifpur, District Meerut (hereinafter referred to as the "Society") for organizing the Jod Mela to be held on 3rd, 4th and 5th April, 2011.

2. It is stated that the Petitioners are the founder President and the Secretary of the Committee of Management of the Society. Dispute arose with regard to the election of the Committee of Management of the Society which were held in February, 2009. Writ Petition No. 3046 of 2010 was filed by the Committee of Management and the Petitioners which was dismissed on 10th March, 2010 with certain observations and the order is quoted below:

The Petitioners are aggrieved by the order dated 12th January, 2010 passed by the Deputy Registrar, Firms, Societies and Chits, Meerut (hereinafter referred to as the "Deputy Registrar") by which he has announced the election schedule for holding the elections of the Committee of Management of the Society on 23rd February, 2010 u/s 25(2) of the Societies Registration Act, 1860 (hereinafter referred to as the "Act").

On 27th January, 2010, this Court passed an order that till the next date of listing, the operation of the impugned order dated 12th January, 2010 shall

remain stayed.

Sri M.L. Rai, learned Counsel appearing for Respondent Nos. 3, 4 and 5 has pointed out that the elections had actually been held on 23rd January, 2010 prior to the passing of the interim order dated 27th January, 2010.

Learned Counsel for the Petitioners has submitted that the notification dated 12th January, 2010 for holding elections on 23rd January, 2010 is not in accordance with the Bye-Laws of the Society and, therefore, the elections cannot be said to be valid and in support of his contention, he has placed reliance upon the decision of this Court in *Dayal Chand Jain v. Assistant Registrar, Firms, Societies and Chits, Allahabad* and Ors. 2008 (3) ESC 2026.

Sri M.L. Rai, learned Counsel for the Respondents states that after the election was held, the proceedings have been forwarded to the Deputy Registrar for registering the list of office bearers of the Committee of Management of the Society and the Petitioners can raise all such objections as have been raised in the present petition before the Deputy Registrar.

In view of the aforesaid, it is not necessary for this Court to decide the validity of the elections held on 23rd January, 2010. Suffice it to state that the Petitioners can raise all such objections as have been raised in the present petition before the Deputy Registrar who shall consider the same and pass an appropriate order regarding the list of office bearers of the Committee of Management of the Society expeditiously, preferably within a period of one month from the date the objections are filed along with a certified copy of this order before the Deputy Registrar.

The writ petition is dismissed subject to the observations made above.

3. Pursuant to the aforesaid order of the Court, an order was passed by the Deputy Registrar, Firms, Society and Chits, Meerut (hereinafter referred to as the "Deputy Registrar") on 14th May, 2010 which was assailed by the Petitioners in Writ Petition No. 30420 of 2010. Writ Petition No. 13677 of 2010 was also filed by the Petitioners against the order dated 19th January, 2010 passed by the Deputy Registrar. Both these petitions were allowed by the common judgment and order dated 28th May, 2010 and the operative portion is as follows:

It is, therefore, not possible to sustain the order dated 14th May, 2010 passed by the Deputy Registrar. It is, accordingly, set aside. The Deputy Registrar shall now pass a reasoned order after giving opportunity to the parties concerned without being influenced by any of the observations made in the order dated 19th January, 2010.

The writ petitions are allowed to the extent indicated above.

4. The Deputy Registrar thereafter passed an order dated 30th July, 2010 determining the electoral college. This order was assailed by Respondent No. 7- Inder Singh in Writ Petition No. 48533 of 2010 in which initially an interim order

was passed on 13th August, 2010 but the stay order was not extended on 18th January, 2011 as is clear from the order passed on the said date.

5. Learned Counsel for the Petitioners has pointed out that in terms of the Bye Laws of the Society the Mela has to be held by the duly elected Committee of Management of the Society and though there is no order of the Deputy Registrar approving the private Respondents Nos. 5, 6 and 7 as the members of the Committee of Management of the Society, yet they are proceeding to hold the Jod Mela on 3rd, 4th and 5th April, 2011.

6. Sri Raj Kumar Khanna, learned Counsel appearing for the private Respondent has pointed out that even the Petitioners are proceeding to hold the Jod Mela on the same date but at a different place. He, therefore, submits that in the absence of any order passed by the Deputy Registrar approving of the office bearers of the Committee of Management of the Society even the Petitioners cannot hold the Jod Mela. It is also his contention that at this stage the holding of the Mela should not be disturbed.

7. The Jod Mela is being held annually for the last many years in accordance with the Bye Laws of the Society. The issue as to which is the Committee of Management of the Society entitled to hold the Jod Mela has yet to be decided as the Deputy Registrar has not approved the office bearers of the Committee of Management of the Society. In such circumstances, both the learned Counsel for the parties have agreed that the Court may appoint any independent person to supervise the holding of the Jod Mela so that there is no dispute amongst the parties and it can be held peacefully.

8. In such peculiar facts and circumstance of the case, it is ordered that the District Magistrate, Meerut himself or any officer appointed by him not below the rank of Additional District Magistrate shall supervise the holding of the Jod Mela and the learned Counsel for the parties have given an undertaking to the Court that their clients shall assist the District Magistrate or his nominee in the holding of the Jod Mela and shall not create any hindrance.

9. The writ petition is disposed of with the aforesaid observations.