
(2021) 10 UK CK 0225

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2090 Of 2021

Munni Tiwari

APPELLANT

Vs

District Magistrate, Nainital & Others

RESPONDENT

Date of Decision : 29-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0225

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Ramji Srivastava, T.S. Phartiyal, R.S. Bisht

Final Decision : Allowed

Judgement

Manoj K. Tiwari, J

1. Petitioner has challenged the notice issued by District Magistrate on the ground that it is contrary to the statutory provisions. According to him, upon cancelling the earlier date of election i.e. 15.09.2021, District Magistrate has fixed the next date as 03.10.2021, which is less than 21 days. According to him, as per Rule 6-E (ii) of Indian Red Cross Society Rules, notice of minimum 21 days shall be given for holding a General Meeting or for constituting a new Committee of Management

2. Mr. T.S. Phartiyal, learned Additional C.S.C. for the State and Mr. R.S. Bisht, learned counsel for the interveners, admit that the impugned notice is not as per the statutory provisions contained in Indian Red Cross Society Rules.

3. In such view of the matter, the writ petition is allowed and the impugned notice dated 14.09.2021 issued by District Magistrate as Chairman of Indian Red Cross Society, Nainital, is quashed. The District Magistrate, Nainital shall notify fresh date of election, as per relevant statutory provisions, within one month from today.

4. Let certified copy of this order be supplied to the petitioner within 24 hours.