

(2011) 09 AHC CK 0251
In the Allahabad High Court

Ram Shankar Yadav

APPELLANT

Vs

State of U.P.Thru Secy.and Others

RESPONDENT

Date of Decision : 29-09-2011

Acts Referred:

Citation : (2011) 09 AHC CK 0251

Hon'ble Judges : Yatindra Singh, J and Dinesh Gupta, J

Final Decision : Dismissed

Judgement

Dinesh Gupta, J.—The petitioner is Secretary of Vishal Bharat Cooperative Housing Society Ltd. Kanpur (the Society). He was removed by order dated 10.05.2011 passed by the Additional Housing Commissioner.

2. The aforesaid order was challenged in Writ Petition No.29297 of 2011. It was dismissed on 19.05.2011 on the ground of alternative remedy of filing an appeal under section 98 of the U.P.Cooperative Societies Act, 1965 (the Act). The petitioner had filed an appeal on 19.05.2011.

3. During pendency of the aforesaid appeal, a resolution was passed on 29.05.2011 appointing Sri Raksh Chandra Mishra, son of Late Lallu Prasad Mishra (respondent 7) as Secretary.

4. The petitioner has filed the present writ petition challenging the resolution dated 29.05.2011, the order dated 05.07.2011 by which the resolution was approved and the order dated 10.05.2011.

5. We have heard counsel for the parties.

6. The order dated 08.08.2011 dismissing the appeal of the petitioner is not challenged in this writ petition. The writ petition is dismissed with liberty to challenge the order dated 08.08.2011. In that writ petition, the petitioner may also challenge the other order/resolution unchallenged in this writ petition. The resolution may also be challenged by means of representation under section 128 of the Act.

7. With the aforesaid observations, the writ petition is dismissed.