
(2021) 11 UK CK 0221

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2524 Of 2021

Ravi Shankar Joshi

APPELLANT

Vs

District Magistrate, Nainital/Ex-Officio President & Others

RESPONDENT

Date of Decision : 01-11-2021

Acts Referred:

Citation : (2021) 11 UK CK 0221

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Rajeev Singh Bisht, T.S. Phartiyal

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. District Magistrate, Nainital, who is also an Ex-Officio Chairman of Indian Red Cross Society, Branch Nainital has issued a notification on 11.11.2021 for holding election for constituting Managing Committee of District Red Cross Society, Nainital on 4th December, 2021 at Chalet Hall, Nainital.

2. By means of this writ petition, petitioners have sought following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents to immediately amend the election notification dt. 11.11.2021 (Annexure No. 3), relating to the elections of Managing Committee of the District Committee Nainital of the Indian Red Cross Society, to the limited extent of changing the venue from 'Chalet Hall Nainital' to any other convenient and spacious place in the District, like Haldwani.

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to hold a free and fair election of the Managing Committee of the District Committee Nainital of the Indian Red Cross Society on the already declared date of 04.12.2021, ensuring maximum casting of vote of the members.

3. According to the petitioners, holding of election at Nainital would cause inconvenience to majority of Members of the Society and further that in the last notification issued by the District Magistrate, the election was to be held at Haldwani, therefore, petitioners want the election to be held at Haldwani.

4. Inconvenience to some Members of the Society cannot be a valid ground for changing the venue of election. Moreover, the polling for the election in question has to be held on 04.12.2021 and without sufficient notice, place of election cannot be changed.

5. In the event, any interference is made by this Court with the venue of election; it will disrupt the entire election process. It is settled position in law that interference should not be made with the election process once it is notified.

6. Accordingly, writ petition fails and is hereby dismissed. However, this Court hopes and expects that election will be held as per schedule on 04.12.2021.