

Committee of Management and anr. Vs. State of U.P. and ors.

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SooperKanoon Citation : sooperkanoon.com/479482

Court : Allahabad

Decided On : May-26-2009

Reported in : 2009(3)AWC2849

Judge : S.P. Mehrotra, J.

Appellant : Committee of Management and anr.

Respondent : State of U.P. and ors.

Advocate for Pet/Ap. : Sri. Chandan Sharma, Sri. T. K. Mishra

Disposition : Petition dismissed

Judgement :

S.P. Mehrotra, J.

1. Heard Sri J.P. Rai holding brief for Sri Chandan Sharma, learned Counsel for the petitioners, the learned standing counsel appearing for the respondents and Sri T. K. Mishra, learned Counsel for the applicant in the impleadment application filed on Dehalf of Ved Prakash Sharma.

2. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioners, inter alia, praying for quashing the notice dated 23.4.2009 (Annexure-1 to the writ petition) issued by the Deputy Registrar, Firms, Societies and Chits, Regional Office, 233, New Mohanpuri, Meerut (respondent No. 4).

3. It is, inter alia, averred in the writ petition that the last election of the Committee of Management of the Society, namely, Church City Junior High School Shiksha Samiti Sadar, Andarkort, Thathervada, Kalal Khana, near Tilak Park, Sadar, Meerut Cantt., Meerut was held on 31.1.2005, and the said Committee of Management was recognised by the Registrar, Firms, Societies and Chits, U. P., Lucknow by the order dated 31.5.2005 ; and that the term of the said Committee of Management being five years is to expire on 30th May, 2010 ; and that in the said Election, Jagat Bihari Lal Saxena (petitioner No. 2) was elected as the President, Ved Prakash Sharma was elected as the Manager and Umesh Chandra Saxena was elected as the Deputy Secretary/Manager of the Committee of Management. Copy of the said order dated 31.5.2005, issued by the Registrar, Firms, Societies and Chits, U. P., Lucknow has been filed as Annexure-2 to the writ petition.

4. It appears that the said Ved Prakash Sharma submitted a list of office-bearers of the Committee of Management of the Society in question before the Deputy Registrar, Firms, Societies and Chits, Meerut on the basis of an election alleged to have been held on 15th March, 2009.

5. The Deputy Registrar has issued a notice dated 23.4.2009 to various persons including the petitioner No. 2.

6. The said notice, inter alia, requires the addressees to appear before the Deputy Registrar with evidence, written statements/reports in support of their respective cases.

7. The said notice has evidently been issued in view of the provisions of the proviso to sub-section (1) of Section 4 of the Societies Registration Act, 1860 as amended in the State of Uttar Pradesh. The said Proviso is as under:..Provided that if the managing body is elected after the last submission of the list, the counter signature of the old members, shall as far as possible, be obtained on the list. If the old office-bearers do not countersign the list, the Registrar may in his discretion, issue a public notice to such persons as he thinks fit inviting objections within a specified period and shall decide all objections received within the said period.

8. In view of the above, it is evident that at present the petitioners have only been issued a notice to place their version before the Deputy Registrar, as contemplated in the above-quoted Proviso. The petitioners, thus have full opportunity to place their version before the Deputy Registrar (respondent No. 4).

9. It is thus, evident that the writ petition is premature, and the same is liable to be dismissed as such.

10. Sri T.K. Mishra, advocate, who has filed impleadment application on behalf of Ved Prakash Sharma, states that on 15th May, 2009 the Deputy Registrar (respondent No. 4) has concluded hearing in the matter.

11. In the circumstances, Sri J. P. Rai holding brief for Sri Chandan Sharma, learned Counsel for the petitioners prays that the petitioners may be permitted to file their version before the Deputy Registrar {respondent No. 4) within the time fixed by the Court, and the respondent No. 4 be directed to consider the version of the petitioners also, while deciding the matter.

12. In view of the above, the writ petition is dismissed, as being premature.

13. However, it is directed that the petitioners will be permitted to file their version in response to the said notice dated 23.4.2009 before the Deputy Registrar (respondent No. 4) within three weeks from today, and the Deputy Registrar (respondent No. 4) will decide the matter, after considering the version of the petitioners also. The Deputy Registrar will pass a speaking order, while deciding the matter.

Copy of this order will be issued to the learned Counsel for the parties on payment of usual charges within a week.