

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).33949/2024

(Arising out of impugned final judgment and order dated 06-02-2024 in CWP No.2821/2024 12-03-2024 in CMRA No. 101/2024 passed by the High Court Of Judicature At Allahabad)

D. P. AGARWAL & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.216361/2024-CONDONATION OF DELAY IN FILING and IA No.216365/2024-EXEMPTION FROM FILING O.T. and IA No.216362/2024-CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS and IA No.216363/2024-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.216364/2024-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 21-10-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. Permission to appear and argue in-person is allowed.
2. Delay condoned.
3. The election of the Management of Emu Carshed Employees Co-operative Housing Society, which is registered under the U.P. Co-operative Societies Act, 1965, was lastly held on 19.03.2023 in which respondent nos.6 to 8 have been elected as the office bearers. The petitioners challenged the aforesaid election directly in a writ petition before the High Court, which has been dismissed vide impugned order dated 06.02.2024 relegating them to the

alternative remedy of an Election Petition maintainable under Rule 50 of the U.P. State Co-operative Societies Election Rules 2014. The petitioners then filed a Review Petition before the High Court which has also been dismissed on 12.03.2024. They being still aggrieved, are before us.

4. We have heard petitioner no.1 and one of his associate in-person and perused the record.

5. Since the validity of an election of institution like a Co-operative Society involves mixed questions of facts and law, the High Court seems to be right in relegating the petitioners to avail the remedy of election petition. The petitioners, however, have some apprehension that there election petition will not be entertained and/or decided on time.

6. Taking into consideration the totality of the circumstances and without expressing any opinion on merits, it is directed that if the petitioners file an Election Petition-cum-Election Suit before the District Co-operative Election Officer, Ghaziabad within two weeks, such a petition shall be decided expeditiously, after hearing all sides as early as possible and in any case not later than six weeks.

7. The special leave petitions are, accordingly, disposed of.

8. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR