



2023:UHC:2010-DB

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE ALOK KUMAR VERMA

SPECIAL APPEAL NO. 50 OF 2023

03RD MARCH, 2023

BETWEEN:

Anuj Singh ChauhanAppellant.

And

State of Uttarakhand & othersRespondents.

Counsel for the Appellant : Mr. Aditya Singh, learned counsel.

Counsel for the Respondent Nos.1 to 3 : Mr. K.N. Joshi, learned Deputy Advocate General.

Counsel for the Respondent No.4 : Mr. Parikshit Saini, learned counsel.

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Sri Vipin Sanghi)

The present special appeal is directed against the order dated 12.12.2022, passed by the learned Single Judge in Writ Petition (M/S) No.2403 of 2022.

2. By the impugned order, the writ petition preferred by the appellant has been dismissed by the learned Single Judge, while observing that in relation to the disputes raised by the appellant in the writ petition, namely with regard to the elections of the Management Committee of Rashtriya Inter College Rohalki, Bahadrabad, District Haridwar, the appellant had already preferred a Civil Suit.

3. The dispute raised by the petitioner is primarily that the term of the members of the Management Committee



has already come to an end, and the electoral college for fresh elections should be determined before the elections are held. This dispute with regard to membership and constitution of Management Committee squarely falls for consideration by the Civil Court. The appellant cannot ride two boats at the same time. Moreover, the correct remedy for the said relief is a Civil Suit, which has already been invoked by the appellant. This Court cannot determine disputed questions of fact in writ proceedings.

4. We, therefore, do not find any merit in this appeal, and the same is accordingly dismissed.

5. Since we have dismissed the special appeal on merits, we are not going into the merits of delay in filing the special appeal.

6. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(ALOK KUMAR VERMA, J.)

Dated: 03rd March, 2023

NISHANT