

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 123 OF 2014

Mehboob Khan .. Petitioner
V/s
The Collector of Bombay City & Ors. .. Respondents

Mr. Vasant Kadam i/b Mr. Yuvraj Narvankar for the petitioner.
Mr. Dushyant Kumar, AGP for the State.
Mr. Sharique Nachankar i/b Judicare Law Associates for respondent no.2.
Ms. Namita Shirke i/b Mr. Charanjeet Chanderpal for respondent no.3.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 24th NOVEMBER 2016

P.C.:

The present PIL petition is filed seeking the following reliefs:-

“(a) The Hon'ble Court be pleased to issue a Writ of Mandamus or such other writ against Respondent Nos.1, 3 to 6 interalia directing them to take corrective actions in respect of the illegal and arbitrary functioning of Respondent No.2 by violating and bypassing all the rules regulations and laws in utter defiance of law and procedures.

- (b) *The Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction interalia calling for the records of Respondent No.2 and after examining the validity, legality and propriety of the decision taken by Respondent No.2 in its alleged Managing Committee Meeting dated 4.4.2013 intimated vide its letter dated 4.4.2013 interalia illegally and arbitrarily cancelling the membership of the Petitioner be pleased to pass appropriate directions in respect of the same and quash and set aside the same.”*

pointing out the so-called / alleged misdeeds which amounts to acts of dictatorship on the part of the management of the respondent Gymkhana.

2. Apparently on perusal of record, as pointed out by the learned counsel arguing for the respondent Gymkhana, a proceeding was initiated with regard to membership of the petitioner and he was given an opportunity to produce the documents and details in support of his membership application. Since there was no response from the petitioner to submit the details called for by the respondent Gymkhana, the Managing Committee not once but after meeting 2-3 times finally decided to cancel the membership given to the present petitioner. This decision was communicated on 4th April 2013 to the petitioner and the letter Exhibit “F” at page 46 clearly reflects that the petitioner was aware of his obligation to furnish the requisite material information sought by the respondent Gymkhana much

prior to 4th April 2013 and even at the time of correspondence between the parties for submission of necessary material particulars with his application. After cancelling or denying the membership in the meeting dated 4th April 2013, on 30th April 2013 the present PIL is lodged. Therefore, on refusal of membership by the respondent Gymkhana, the petitioner is before this Court with his individual cause. If the petitioner is aggrieved by denial of admitting him as a member in his individual capacity, he can challenge the same, but not by filing PIL of this nature. If he were to know the misdeeds, acts or mala fides in the functioning of the Gymkhana, we fail to understand why he was pursuing membership till his application was rejected for admitting him as a membership in April 2013.

3. In the light of the above observations, we dismiss the present PIL filed in the guise of *pro bono publico* espousing basically the personal grievance of the petitioner. However, the petitioner is at liberty to challenge the refusal to admit him as a member of the Gymkhana in his individual capacity strictly in accordance with the procedure contemplated.

(M.S. SONAK, J.)

CHIEF JUSTICE