

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4834 OF 2016

Gurubax Singh S/o Jaimal Singh Lamba and another

-vs-

Narinder Singh Dheer and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. A. Abhyankar, counsel for the petitioners.

**CORAM : DR. MANJULA CHELLUR, C.J. AND
SMT. VASANTI A NAIK, J.**

DATE : 19.10.2016.

P.C.

Heard learned counsel for writ petitioners and we have gone through the impugned order.

Apparently the present petitioners, who were the respondents in the application before the Authority concerned raised maintainability of the enquiry proceedings wherein the private respondent (respondent No.1) challenged termination of his membership way back in 2015 and made several allegations against the writ petitioners regarding mismanagement and misappropriation of funds of the trust. The alleged termination seems to be by letter dated 19.10.2015 in terms of bye-laws clause 11. It refers to the conditions under which society has a right to strike off the names from the membership of the society. According to respondent No.1 herein, there was no existence of any of the grounds in terms of clause 11 to terminate his

membership. In that view of the matter, it becomes imperative to decide whether respondent No.1 as a member was terminated by the present executive body in accordance with clause 11 which requires several facts to be proved. Under these circumstances, the Authority was justified in opining that while deciding the matter on merits even the termination of membership of the private respondent (respondent No.1) before us could be looked into. By virtue of this order, we do not find any prejudice being caused to the writ petitioners in any manner. On the other hand, it would increase the confidence of others in the writ petitioners-executive body if they were to establish their innocence in the enquiry wherein the candidates establish termination of membership. With these observations, the writ petition is disposed of.

In order to have appropriate administration and sanctity to the government body, it would be just and proper not to leave the matter pending for a long, we direct the respondent-Authority to complete the proceedings in accordance with the procedure contemplated as expeditiously as possible within one year.

CHIEF JUSTICE

SMT.VASANTI A NAIK, J.