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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6243/2018 and C.M. No. 24107/2018 & C.M. Nos.**
36106/2018 & 36136/2018

HINDUSTAN SCOUTS & GUIDES
ASSOCIATION

..... Petitioner

Through: Mr Deepak K. Tyagi, Mr Mahender
Madan and Mr Kamal Gupta,
Advocates.

versus

MINISTRY OF FINANCE & ORS

..... Respondents

Through: Mr Jasmeet Singh, CGSC with Mr
Srivats Kaushal, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.09.2018

1. The petitioner has filed the present petition, *inter alia*, praying as
under:-

- i. issue a writ, order, direction and instruction in the nature of certiorari in favour of the petitioner and against the respondent No. 1 to 3 thereby quashing the letter dated 08.11.2017 issued by respondent No.2 and addressed to Sh. Jatley Ji and on the basis of which the respondent No.3 had informed to the petitioner through its letter dated 28.12.2017 in respect of freezing the bank account of the petitioner bearing No.30160845894 with State Bank of India, I.P. Estate, New Delhi-110002
- ii. issue a writ, order, direction and instruction in the nature of mandamus thereby directing the respondent No.3 to

revoke/cancel its decision and order Dated 28/12/2017 for freezing the bank account of the petitioner.

- iii. issue a writ, order, direction and instruction in the nature of mandamus thereby directing the respondent No.3 to get unfreezed/reopen the bank account of the petitioner bearing No.30160845894 with State Bank of India, I. P. Estate, New Delhi-110002 and not to create any hindrance on the way of the petitioner in operation and management of bank account bearing No.30160845894 with State Bank of India, I. P. Estate, New Delhi-110002
- iv. pass a writ, order, direction and instruction in the nature of prohibition thereby prohibiting the respondent No.4 from managing and controlling the day to day affairs of the petitioner.
- V. pass a writ, order, direction and instruction in the nature of prohibition thereby prohibiting the respondent No.5, its agents, servants and employees etc. from releasing the funds, grants, aid or money in any other bank account except the Bank account of the petitioner bearing No. 30160845894 with State Bank of India, I. P. Estate, New Delhi-110002.”

2. It is apparent from the averments made in the present petition and the submissions made by counsel that there are disputes as to who are the office bearers of the petitioner (Hindustan Scouts & Guides Association). Hindustan Scouts & Guides Association is a Society registered under the Societies Registration Act, 1860. In view of the claims and counter claims being made by various persons claiming to be office bearers of the petitioner, the State Bank of India, Branch IP Estate has frozen the account (Account No. 30160845894) maintained with the said Bank, till such disputes are adjudicated/settled.

3. The grievance of the petitioner, essentially, stems from the said action of the State Bank of India. It is apparent from the letter dated 28.12.2017 addressed by the State Bank of India that such action has been taken solely on the basis of the internal disputes as to the Constitution of the Governing Body of the petitioner society.

4. The petition is founded on the basis that the said step has been taken by the bank pursuant to a letter dated 08.11.2017 addressed by respondent no.4 to the Finance Minister. Respondent no.4 also claims to be the National President of the petitioner association. Mr Vinod Kumar Bidhuri, who has instituted the present petition, disputes that same. He claims that respondent no.4 had been removed from the post of the chairman on 13.05.2018.

5. A plain reading of the letter dated 08.11.2017 addressed by respondent no.4 indicates that it is a private letter and not sent in his official capacity as the Minister of State for Agriculture and Farmers' Welfare and Panchyati Raj, Government of India (although the letter head used is his official letter head). It is also apparent that the controversy involved in the present petition is strictly an internal dispute between the office bearers and this Court finds no reason to entertain the same in proceedings under Article 226 of the Constitution of India.

6. It would be open to the rival parties to institute proper proceedings to establish the constitution of the Governing Body of the petitioner. Needless to state as and when such disputes are adjudicated (or any order is passed) the State Bank of India shall take the necessary steps in respect of the

operation of the bank accounts. This Court cannot compel State Bank of India to permit operation of the accounts in view of the disputes.

7. Nothing stated in this order shall preclude either of the parties to persuade the State Bank of India to permit operation of the accounts.

8. The petition is, accordingly, dismissed. The pending applications are disposed of.

SEPTEMBER 05, 2018
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VIBHU BAKHRU, J