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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 12.10.2018

\+ W.P.(C) 11535/2016 & CM APPLs. 45430/2016 & 39935-37/2017

SH. ARVIND KUMAR PAHUJA ..... Petitioner

Through: Mr. D.K. Sharma, Adv.

versus

STATE, GOVT. OF NCT OF DELHI & ORS. ..... Respondents

Through: Mr. Ramesh Singh, Standing Counsel, GNCTD with Mr. Chirayu Jain & Ms. Nikita Goyal, Advs. for R-1, 2, 6, 7 and 8.
Mr. Apar Chopra, Central Govt. Pleader for Union of India.
Ms. Monika Arora with Mr. Kushal Kumar, Advs. for R-9.
Mr. Rajat Aneja with Mr. Sambit Nanda and Mr. Muhammad Parbesh, Advs. for R-10.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE *(ORAL)*

1. This petition in public interest has been filed and the prayer made in the petition reads as under:

> *"(a) Direct the Respondents No. 1 to 9 to immediately take over the charge of Respondent No. 10 institute permanently and constitute a committee, consisting of senior official(s), who shall look after, control and manage the entire management and functioning of Respondent No. 10 with immediate effect;*

(b) Direct the Respondents No. 1 to 9 to constitute an appropriate interim ad-hoc managing committee of Respondent No.10, consisting of senior official(s), who shall run, manage and control over the day-to-day affairs of Respondent No. 10 till the disposal of present petition;

(c) Direct the ad-hoc committee, so appointed, to take over the complete charge of record(s), asset(s), operation of bank(s), and all other relevant information from the premises and from the present on-going managing committee of Respondent No. 10 till the disposal of present petition;

(d) Restrain the Respondent No. 11, along with all person(s) /authority(s)/management(s), claiming to be the part of managing committee, from entering, disturbing, functioning in the management of the Respondent No. 10 till disposal of present petition;

(e) Restrain the Respondent No. 11 along with all other person(s)/ authority(s)/management(s) from creating any third party interest(s)/charge over any/all, movable or immovable asset(s) of the Respondent No. 10 till disposal of present petition;

(f) Direct the Respondents No. 1 to 9 to constitute an ad-hoc committee, consisting of senior official(s), who shall conduct an enquiry/carry out investigation qua allegations of the Petitioner levelled against the Respondent No. 11, his family members and associates, and further to take actions accordingly as per law;

(g) Direct the Respondents No. 1 to 9 to carry out complete inspection of Respondent No. 10, by way of a thorough scrutiny since the date of its inception and till date, and to find out the irregularities/laches caused in the Respondent No. 10 institute and to take action accordingly in the interest of justice;

(h) Pass all such other and/or further orders(s)/ direction(s) which this Hon'ble Court may deem fit and proper in the

interest of 212 blind students in the interest of justice."

2. Even though this Court had issued notice and affidavits and counter affidavits have been filed but during the course of hearing of the matter we find that there are serious disputes with regard to management, election and functioning of the Institute in question. The Institute for blind is registered under the Societies Registration Act, 1860. Complaints, counter complaints and allegations are made with regard to election, mismanagement of the society and even the election held by a Committee headed by Shri S.K. Rungta, Senior Advocate is said to be not proper. The nature of complaint made before this Court indicates that there are serious allegations not only against the respondents managing the affairs of the society but even criminal complaints have been filed. Even the *locus standi* of the petitioner and his intention of filing this petition is doubtful as we find that he was an employee of the Institute and has filed the petition challenging the functioning of the Institute itself. That apart, allegations were also made by counsel Shri R.D. Sharma, with regard to threats and harassment vented upon him. That apart, serious allegations are made with regard to misstatement made before this Court on 23.02.2018 and the holding of the election for the Managing Committee.

3. Taking note of the fact that the Institute in question is registered under the Societies Registration Act, 1860 and the statute itself provides for taking action against a registered Institute registered under the Act, namely, the Societies Registration Act, 1860, in a Public Interest Litigation exercising our extraordinary jurisdiction under Article 226 of the Constitution of India, that also at the instance of an employee of the Institute, in our considered

view, is not appropriate.

4. Taking note of the allegations made, the nature of dispute involved in the matter and the complications that have arisen by virtue of the allegations and counter-allegations made which are nothing but allegations on factual aspects of the matter which warrant detailed enquiry, we feel that it is not appropriate to make any indulgence in a Public Interest Litigation under Article 226 of the Constitution of India.

5. Accordingly, we dismiss this writ petition directing that all interim orders passed, observations made and interim directions issued stand withdrawn and liberty is granted to the parties concerned to the *lis* to work out their dispute in accordance with law before the appropriate forum. The forum where the dispute is raised with regard to functioning, election, management or anything connected with the Institute in question shall be dealt with by the authority concerned without being influenced by any order passed by this Court or any observation made by this Court.

6. With the aforesaid, the writ petition and the pending applications stand dismissed. Even with regard to the allegations made against counsel Shri R.D. Sharma, we are not inclined to go into the same. Shri R.D. Sharma, Advocate is free to take recourse to such legal remedy as may be available to him to ventilate his grievance.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 12, 2018/kks