

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 67 of 2019**

- Dr. Prabhat Kumar Shrivastava S/o Late Shri K. B. Shrivastava Aged About 59 Years Member, Central Working Committee, Past President And Ex-Officio Member Of Indian Medical Association, Chhattisgarh State Branch, R/o 204, Raghuveer Apartment, Vidhik Seva Marg, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Indian Medical Association, Chhattisgarh State Branch Through Secretary, Indian Medical Association, Chhattisgarh State Branch, Headquarter Bilaspur, Indian Medical Association, House Link Road, Near CMD College, Bilaspur, Chhattisgarh
2. Election Tribunal Indian Medical Association, Chhattisgarh State Branch, Headquarter Bilaspur, Indian Medical Association, House Link Road, Near Cmd College, Bilaspur, Chhattisgarh
3. Dr. Ashok Tripathi Aged About 57 Years State President, Indian Medical Association, Chhattisgarh State Branch And Member Of Election Tribunal, R/o Tripathi Nursing Home, New Shanti Nagar, Raipur Chhattisgarh Cell No.99840-68273
4. Dr. Kaushalendra Thakur Aged About 45 Years State Secretary, Indian Medical Association, Chhattisgarh State Branch, Working As Joint Director, JLN Hospital And Research Centre, Bhilai R/o LIG 291 Padmanabhpur, Durg, Chhattisgarh Cell No.94241-09359
5. Dr. H. P. Saraf Aged About 80 Years Member Of Election Tribunal, Indian Medical Association, Chhattisgarh State Branch Under Rule 35 Of Memorandum Rules And Bye Laws, R/o Saraf Nursing Home, Champa, Chhattisgarh, Cell No.97530-73013
6. Dr. Ajay Mohan Sahay Aged About 56 Years Member Of Election Tribunal, Indian Medical Association, Chhattisgarh State Branch Under Rule 35 Of Memorandum Rules And Bye Laws, R/o D-86, Tagore Nagar, Raipur Chhattisgarh Cell No.78980-50000
7. Dr. Sanjay Mehta Aged About 52 Years Joint Secretary, Indian Medical Association, Chhattisgarh State Branch, R/o Mehta Nursing Home, Azad Nagar, Masanganj, Bilaspur, Chhattisgarh, Cell No.98930-78050

---- Respondent

For Petitioner

Mr. RS Marhas, Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

14/1/2019

1. Heard.
2. Respondent No.1 is a Body registered under the Society Registration Act, 1860. While maintaining the affairs of the Society, respondent No.1 is not doing any public duty, therefore, it is not covered within the term "State" under Article 12 of the Constitution of India.
3. Therefore, the writ petition under Article 226 of the Constitution of India is not maintainable against respondent No.1 or the Election Tribunal formed under the bylaws or memorandum of rules framed by respondent No.1.
4. Let the petitioner avail the remedy of preferring a suit on the issues raised before this Court. The petitioner would also be at liberty to move necessary application for grant of temporary injunction/mandatory injunction.
5. The writ petition is disposed of. Sd/-

(Prashant Kumar Mishra)

Judge

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