

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1283 of 2009**

- Kalyan Kumar Sen S/o Dr. Arun Kumar Sen R/o Rangmandir Campus, Gandhi Chowk, Raipur (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh through the Secretary, Higher Education Department, DKS Bhavan, Raipur (CG)
2. The Commissioner, Higher Education Department, Raipur (CG)
3. Collector, Raipur, District – Raipur (CG)
4. Bhatkhande Lalit Kala Shikshan Samiti Gandhi Chowk, Raipur, through President Shekhar Sen Gupta S/o Dri. Arun Kumar Sen, aged about 47 years R/o Gurukul Parishar, Kalibari Chowk, Raipur (CG)
5. M. Shriram Murthy S/o. M.S. Murthy, aged about 43 years, Incharge Principal Kamla Devi Sangeet Maha Vidyalaya, Gurukul Parisar, Kalibadi Chowk, Raipur (CG)
6. Registrar, Firms and Societies, in front of Television Centre, Anupam Nagar Raipur (CG)
7. The University Grants Commission, Tower Complex (Bittan Market) E-5 Area Colony, Bhopal (MP)

---- Respondents

For Petitioner	:	Shri Yogesh Pandey, Advocate
For Respondents 4 and 5	:	Shri Saurabh Sharma, Advocate
For State	:	Ms. S. Harshita, Panel Lawyer

S.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/12/2019**

By this petition, the petitioner has challenged legality and validity of order dated 22/11/2007 passed by the State Government by which, in exercise of powers

under Section 73 R/w Section 18 of the C.G. Ashaskiya Mahavidyalaya Aur Sanstha (Sthapna evam Viniyaman), Adhiniyam, 2006, permission has been granted for shifting Kamla Devi Sangeet Mahavidyalaya, Raipur in a different building.

2. Though number of grounds have been urged in this petition by the petitioner who claims to be founding member of the Society assailing legality of the order of the State Government, learned counsel for the respondent / Society submits that the petitioner has no *locus standi* as he was expelled from the membership of the society vide resolution dated 07/10/2007.

3. Learned counsel for both the parties inform the Court that against the order of expulsion, the petitioner filed a Civil Suit which was dismissed, which led to filing of First Appeal which was decreed in favour of the petitioner but later on, on Second Appeal being filed by the respondent / Society, the effect and operation of the impugned judgment and decree passed by the lower Appellate Court has been stayed.

4. From the aforesaid statement, it appears that as on today, the petitioner is not enjoying the status of member of the Society. Therefore, at this stage, this petition is disposed off with liberty to revive depending upon the result of Second Appeal filed by the Society namely Bhatkhande Lalit Kala Shikshan Samiti.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge