

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5770 OF 2021

Anil Ramchandra Chandak ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondents

Mr.Prasad Pradeep Kulkarni, Advocate for the Petitioner.
Mr.S.L.Babar, AGP for Respondent No.1/State.

**CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : SEPTEMBER 22, 2021.**

P.C.:-

Heard Mr.Prasad Kulkarni, learned counsel for the petitioner;
and Mr.S.L.Babar, learned AGP for respondent No.1.

2. By way of this petition under Article 226 of the Constitution of India, petitioner seeks a direction to respondent No.2 to hear and dispose of his appeal which is stated to be pending since 11th July, 2021.

3. Respondent No.2 is the General Body of Rotary Club of North Solapur, Solapur.

4. Petitioner claims to be a member of Rotary Club of Solapur (North). One complaint was filed against him by a member which was forwarded by the President of the Rotary Club to the petitioner. Petitioner responded to the complaint by filing reply. However, on 29th June, 2021 membership of the petitioner in Rotary Club of Solapur (North) was terminated. Against such termination of membership petitioner had filed appeal before respondent No.2

i.e. General Body of Rotary Club of North Solapur. Grievance of the petitioner is that though the appeal was filed on 11th July, 2021, it has not yet been taken up for consideration.

5. At the outset, we fail to understand as to how a writ petition under Article 226 of the Constitution of India is maintainable against the Rotary Club or against the General Body of Rotary Club which are purely private entities. Learned counsel for the petitioner has placed reliance on a decision of the Supreme Court in **The Praga Toors Corporation Vs. Shri C.A.Imanual, 1969(1) SCC 585** to contend that the words "any person or authority" used in Article 226 should not be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. We are afraid contention of the petitioner is misplaced. *Prima facie* it cannot be said that Rotary Club or its General Body are engaged in performing public duty.

6. In the circumstances, we are not inclined to entertain the writ petition on the ground of maintainability.

7. Writ petition is accordingly dismissed.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)

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