

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17268 OF 2024

Pradeep Kale

...Petitioner

Versus

Union of India & Ors.

...Respondents

Mr. Chetan Alai for Petitioner.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE : 28 APRIL 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed

praying for the following reliefs:-

“a. This Hon’ble Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or direction under article 226 and 227 of the Constitution of India thereby revoking and set aside the notification by Ministry of Higher Education dated 27.08.2024;

b. This Hon’ble Court may be pleased to declare the election held on 28.12.2023 as void ab-initio and direct the Respondent No. 2 to re conduct the elections held on 28.12.2023;

c. This Hon’ble Court be pleased to direct the Council of Architecture and Ministry of Higher Education and the Indian Institute of Architects to amend the election process and adopt NSDL E-voting system in the electoral process;

d. That pending hearing and final disposal of this petition, this Hon’ble Court may be pleased to stay the operation, effect and implementation of the Notification dated 27.08.2024;

e. That pending hearing and final disposal of this petition, this Hon’ble Court may be pleased to stay the use of E-voting system developed by private entity.”

2. Primarily the grievance of the petitioner is in regard to the election which

was held by respondent no.2-The Indian Institute of Architects. The petitioner could not succeed in the said election. He has grievance in regard to the election of 5 members of respondent no.2 who have been nominated to represent the Indian Institute of Architects, New Delhi. At the outset we may observe that to assail the election as undertaken by respondent no.2-Trust, a remedy under Article 226 of the Constitution would not be an appropriate remedy.

3. Be that as it may, the petitioner has already moved an application before the Charity Commissioner (page 93 of the paper-book). If such an application is received by the Charity Commissioner, the petitioner is permitted to pursue such application and/or take recourse to appropriate remedy as available in law. All contentions of the parties in that regard are expressly kept open.

4. Accordingly we do not entertain this petition. It is disposed of subject to the above observations. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]