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

+ **W.P.(C) 128/2025 & CM APPL. 470/2025**

DESH RAJ NANDRAJOG

.....Petitioner

Through: Mr. Vijay Dalal, Advocate.

versus

SHRI SHIRDI SAI PRACHAR SAMITI REGD AND ORS

.....Respondents

Through: Mr. Rakesh Munjal, Sr. Advocate
with Mr. Lokesh Kumar, Adv. for R1.
Ms. Vaishali Gupta with Mr Kartik
Sharma, Advocates for R2 and R3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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26.02.2026

1. The petition is for the following reliefs:

- A. *“Issue a Writ/Writs, order/orders, direction/directions, thereby setting aside the alleged GBM dated 10.11.2024 as well as circulation dated 25.11.2024 as illegal null and void and restoring the position of petitioner as Vice President of the Samiti, in the interest of justice.*
- B. *Issue a writ/writs, order/orders thereby directing the respondent No. 3 & 4 to restore the original list of ordinary members as well as life members including the office bearers respect of the respondent No.1 and terminate the membership of ordinary members with immediate effect from serial no: 433-767 in (Annexure P-10) and further life members from serial no: 101-124 in (Annexure P-9) for being inducted illegally, arbitrary and against settled provision of law rules/orders, in the interest of justice.*
- C. *Stay the operation of the impugned GBM dated 10.11.2024 as well as impugned circulation dated 25.11.2024 till the final disposal of the present Writ Petition.”*

2. It is, thus, seen that the present dispute pertains to the internal affairs



of the respondent no. 1-society. All disputes pertaining to societies are not amenable to be adjudicated under Article 226 of the Constitution of India.

3. The Supreme Court, in *S. Shobha v. Muthoot Finance Ltd.*,¹ has held that writ jurisdiction can be invoked only in cases involving public duties or functions. The relevant portion of the said judgment is extracted below, for reference:

“8. A body, public or private, should not be categorized as “amenable” or “not amenable” to writ jurisdiction. The most important and vital consideration should be the “function” test as regards the maintainability of a writ application. If a public duty or public function is involved, any body, public or private, concerned or connection with that duty or function, and limited to that, would be subject to judicial scrutiny under the extraordinary writ jurisdiction of Article 226 of the Constitution of India. We may sum up thus:

(1) For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.

(2) A writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.

(3) Although a non-banking finance company like the Muthoot Finance Ltd. with which we are concerned is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the company.

(4) A private company carrying on banking business as a Scheduled bank cannot be termed as a company carrying on any public function or public duty.

(5) Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or

¹ 2025 INSC 117



statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.

(6) Merely because a statute or a rule having the force of a statute requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body.

(7) If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.

(8) According to Halsbury's Laws of England, 3rd Ed. Vol.30, p.682, "a public authority is a body not necessarily a county council, municipal corporation or other local authority which has public statutory duties to perform, and which perform the duties and carries out its transactions for the benefit of the public and not for private profit". There cannot be any general definition of public authority or public action. The facts of each case decide the point."

4. In view thereof, reserving all rights and contentions, the writ petition stands disposed of. Pending application also stands disposed of.

5. The petitioner shall be at liberty to take appropriate recourse in accordance with law.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 26, 2026

tr/amg