
(2011) 08 DEL CK 0110
In the Delhi High Court
Case No : Writ Petition (C) 4672 of 2011

Naresh Jindal

APPELLANT

Vs

Indian Medical Association and Others

RESPONDENT

Date of Decision : 01-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0110

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Anil Sharma, for the Appellant; Shaurabhn Dhawan, for Laliet Kumar, for UOI, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The petition has been filed claiming the following relief:

Issue a writ of mandamus and/or any other appropriate writ of similar nature for directing the Respondents to provide the list of presidents and secretaries of IMA Haryana State, Presidents and Secretaries of local branch of IMA under jurisdiction of IMA Haryana State, list of ex-officio and elected state council members from IMA Haryana, central representative list from local branches of IMA Haryana, list of members of central working committee and voter list held on 31.3.2011 and for the current year from 1.4.2011 and minutes of 205th central working committee held on 23.4.2011 and 24.4.2011 at Ghaziabad.

2. The writ petition came up first before this Court on 7th July, 2011 when it was the case of the counsel for the Petitioner that the documents aforesaid are needed for the purpose of ensuing elections and to prevent IMA, Haryana from changing the list of members and office bearers. Finding that the relief sought for was against the IMA Haryana, it was enquired from the counsel for the Petitioner as to how this Court would have territorial jurisdiction. The counsel for the Petitioner was also directed to show as to under which Rule/Regulation the Respondents were obliged to maintain the documents sought and/or owed a duty

to supply the same to persons such as the Petitioner and as to why the provisions of RTI Act, 2005 could not be invoked.

3. The Petitioner has since filed an affidavit in which it is inter alia stated that the RTI Act is not applicable to IMA Headquarter at New Delhi or to IMA Haryana. Need is not felt to comment on the said plea.

4. The counsel for the Petitioner has with reference to the Memorandum Rules and Bye-Laws of IMA Headquarters stated that as per Clause 40-C thereof, the legal proceeding where the IMA Headquarters is a party are to be instituted under the jurisdiction of the Courts at Delhi only.

5. Even though notice of the writ petition had not been issued but IMA Haryana has since, under cover of index dated 20th July, 2011 filed a list of Presidents and Secretaries of local branches of IMA Haryana as on 31st March, 2011 as well as the list as on 1st April, 2011, the list of Central Council Members, State Members of Local Branches etc. The counsel for the Petitioner also confirms that the documents insofar as demanded from IMA Haryana stand supplied to the Petitioner.

6. The counsel for the Petitioner however now contends that IMA Headquarter has not supplied the particulars aforesaid. Upon being asked as to under which provisions IMA Headquarter is required to maintain the same, attention is invited to Clause 39 of the Memorandum, Rules and Bye-Laws aforesaid where under the Honorary Secretary General of IMA Headquarters is required to maintain a correct and up-to date branch-wise register of all members of the Association. Attention is also invited to Clause 26 where, upon formation of a Branch, intimation has to be sent to IMA Headquarter and the local Branches required to submit through the State Branch an annual return of the members on 30th April of each year.

7. I have enquired from the counsel for the Petitioner as to why the Petitioner needs such particulars from IMA Headquarters when the same have been supplied by IMA Haryana. The counsel states that the same has become necessary owing to the discrepancy as admitted by IMA Haryana in its letter dated 7th April, 2011 at page 25 of the paper book. The counsel however fairly admits that neither has any such plea been taken in the petition nor has it been stated in the petition that the lists are required from IMA Headquarter as well as IMA Haryana.

8. The letter dated 7th April, 2011 does not admit of any inconsistency between the list maintained by IMA Haryana and IMA Headquarters. Moreover when the district branches are required to communicate with the Headquarters through the State Branch only, I do not see any reason for entertaining this petition particularly when the dispute is relating to election and it appears that this petition may be used to stall/delay the election process.

9. The counsel for the Petitioner has also invited attention to a letter written by

him on behalf of IMA Haryana to IMA Headquarter seeking the particulars. However the present writ petition is admittedly not being filed on behalf of IMA Haryana but by the Petitioner in his personal individual capacity.

10. No case is therefore made out of entertaining the petition against IMA Headquarters, the same is dismissed.

No order as to costs.