

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4272 OF 2009
(Arising out of SLP(C)No. 11006/2008)

Seshadripuram Educational Association

...Appellant(s)

Versus



V.Venkatesh & Ors.

...Respondent(s)

ORDER

Delay condoned.

Leave granted.

The Appeal is filed against the judgment of Division Bench of
the Karnataka High Court by which a direction is given to the

Seshadripuram Educational Association to consider the applications made to it for admitting the respondents as life members of the Society. The concerned para runs like this:

“10. We think it is just and proper for us to give a direction to the second respondent to consider their application keeping in view the date of their application was prior to the resolution passed on 6.5.2005



The application seeking admission of them as life members of the society were earlier to the proposed amendment to the Memorandum of Association and its approval granted by the first respondent, therefore the appellants applications are required to be considered by second respondent without reference to the amended clause of the Memorandum of Association. In this regard the first respondent must also see that necessary direction shall be issued to the second respondent to consider their application by the second respondent in



accordance with law and dispose of the matter within six months from the date of receipt of the order.”

Shri B.P.S. Patil, learned counsel appearing on behalf of the appellant firstly argues that the High Court has committed an error of jurisdiction in entertaining the writ petition under Art.226 seeking the direction to a private society like the petitioner herein. We have seen the impugned judgment. The High Court has relied on the reported

decision in Anadi Mukta



-3-

Sadguru Shree Muktajee Vandasjswami Suvarna Jayanti Mahotsav
Smarak Trust and Others vs. V.R.Rudani and others reported in AIR
1989 SC 1607. The ruling is not applicable here. The society herein in
entertaining or not entertaining the membership application was not
doing any statutory duty. The society is bound by its own bye-laws

and not by any other statutes in the matter of membership.. The Karnataka Society Registration Act, 1960, does not provide for the membership of a particular society or any rights thereof.

In that view, we do not think that the High Court was right in relying on Anadi Mukta (supra) decision. It is now a settled law that unless a private society is engaged in doing any public duty the writ petition against it would not be maintainable. That is the only question involved. In that view, we set aside the judgment of the High Court



and the order of dismissal of the writ petition. However, the appellants may pursue such remedy as is available to them in law.

The appeal is disposed of accordingly.

.....J.
(V.S. SIRPURKAR)

.....J.
(B.S. CHAUHAN)

New Delhi,
July 9, 2009.

