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

+ **LPA 369/2025 & CM APPL. 34658/2025**

GREATER KAILASH-II WELFARE ASSOCIATIONAppellant

Through: Mr. Udian Sharma, Mr. Manav Mitra,
Mr. Sahil Saraswat and Ms. Harsha
Sadhvani, Advocates.

versus

MAHENDRA KUMR SEHGAL & ORS.Respondents

Through: Mr. Abhinav Garg Panel Counsel for
GNCTD with Mr. Mihir Gujjewar,
Advocates for R-9/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.05.2025**

CM APPL. 34659/2025

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

LPA 369/2025 & CM APPL. 34658/2025

3. Issue notice to the respondents, returnable before the next date of hearing.
4. Learned counsel for the appellant has prayed for stay on the order passed by the learned Single Judge which is under challenge herein. It has been argued that, in fact, the prayers made in the writ petition filed before the learned Single Judge was in respect of certain amendments made by a society registered under the Societies Registration Act, 1860 in its Bye-laws and accordingly, since the said society does not perform any public



functions, it is not amenable to writ jurisdiction of this Court in Article 226 of the Constitution of India.

5. We have considered the submissions made by learned counsel for the appellant.

6. The prayer made in the writ petition is as follows:

i. Issue an appropriate writ in the nature of certiorari under Article 226 of the Constitution of India, 1950 or any other appropriate writ to the Respondent No.1, quashing the Memorandum of Greater Kailash – II Welfare Association, as amended vide extra-ordinary general meeting dated March 30, 2025, and the Guidelines for Builders issued by the Greater Kailash – II Welfare Association, dated March 31, 2025;

ii. Issue an appropriate writ in the nature of prohibition under Article 226 of the Constitution of India, 1950 or any other appropriate writ to the Respondent, restraining the Respondent No. 1 from taking any steps in furtherance of, or giving effect to, the Memorandum of Greater Kailash – II Welfare Association, as amended vide extra-ordinary general meeting dated March 30, 2025, and the Guidelines for Builders issued by the Greater Kailash – II Welfare Association, dated March 31, 2025;

iii. Issue an appropriate writ in the nature of mandamus under Article 226 of the Constitution of India, 1950 or any other appropriate writ to the Respondent No. 1, directing the Executive Committee of the Greater Kailash – II Welfare Association, to publish the audited annual accounts of the Greater Kailash – II Welfare Association on its website, www.gk2wa.com;

iv. Issue an appropriate writ in the nature of mandamus under Article 226 of the Constitution of India, 1950, or any other appropriate writ to the Respondent No. 2, directing the Respondent No. 2 to investigate and seek cancellation of the registration of the Greater Kailash – II Welfare Association.”

7. A perusal of the afore quoted prayer was in the writ petition to the effect that the first prayer has been made in relation to quashing of



Memorandum of the Association namely Greater Kailash-II Welfare Association as amended *vide* the resolution passed by the Extraordinary General Meeting of the society on 30.03.2025. The second prayer seeks issuance of the writ of Prohibition against the respondent no.1. The third prayer relates to issuance of mandamus directing the Executive Committee of the Society to publish the audited annual accounts of the Association.

8. *Prima facie*, we are of the opinion that the society against whom the writ jurisdiction has been invoked before learned Single Judge, does not perform any public function, rather it is only a Residents' Welfare Society and accordingly, it is not amenable to writ jurisdiction of this Court.

9. In view of the aforesaid, we provide that the order under challenge herein passed by the learned Single Judge dated 22.04.2025 shall remain stayed till further order of the Court.

10. List on 23.09.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MAY 29, 2025

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