

HIGH COURT OF MADHYA PRADESH;

BENCH AT INDORE

W.A. No.1303/2020

Mohanrao and others Vs. State of MP and others

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INDORE; DATED – 13/01/2021

Heard through video conferencing.

Shri Somitra Bajaj, learned counsel for the appellant.

Shri Pushyamitra Bhargav, learned Additional Advocate General for the respondent/State.

Shri Vishal Baheti, learned counsel for the respondent no.5-16.

With the consent, heard finally.

1. Learned counsel for the appellant submits that the appellant is aggrieved by a finding given in the impugned order dated 24.12.2020, which reads as under :-

“Prima facie, in the meeting held on 10.03.2019, the general body gave the authority to the President of the society for induction of the new members and in the exercise of power under Clause 17 the then President has inducted the new members and sent the list of total 35 members.”

2. Learned counsel for the appellant submits that it may be observed that this finding is tentative in nature and the Writ Court may decide the pending writ petition in accordance with law on merits and shall not be mechanically bound by said finding.

3. The other side has no objection.

4. In our opinion, the aforesaid finding itself shows that it is tentative in nature because it begins with the words “*Prima Facie*”. Thus, we are only inclined to observe that the aforesaid finding is a *prima facie* finding and the Writ Court shall decide the writ petition on merits in accordance with law.

5. The writ appeal is disposed off.

(Sujoy Paul)
Judge

(Shailendra Shukla)
Judge