

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 242 OF 2015

Pranav s/o Sunil Patil
& others

.. PETITIONERS

VERSUS

Gram Vikas Shikshan Sanstha
& others

.. RESPONDENTS

Mr. V.D. Hon, Senior Counsel instructed by Mr. A.V. Hon, advocate for petitioners.

Mrs. S.D. Dhumal, AGP for respondent no. 16.

Mr. V.V. Wagh, advocate for respondents 1 to 10.

Mr. D.B. Thoke, advocate for respondent no. 11.

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CORAM : R.M. BORDE &

V. K. JADHAV JJ.

DATE : 18th MARCH, 2015.

PER COURT :

1. Grievance of petitioners is that the Assistant Charity Commissioner instead of taking decision in respect of proposed change has issued directions for holding election of the trust before 30.04.2015. Petitioners contend that change report is submitted to the Assistant Charity Commissioner proposing certain changes in the constitution of the trust. The proposed change is opposed by respondents. The Assistant Charity Commissioner, however, on consideration of the application tendered by respondents under section 41A of the Bombay Public Trust Act, has issued directions for holding elections for electing managing body of the trust by 30.04.2015 in accordance with the approved constitution. Petitioners contend that in the event of approval of the proposed change in the constitution, the whole exercise of election which is undertaken in

pursuance to the directions issued by the Assistant Charity Commissioner on 09.12.2014, is likely to render ineffective and the trust would be constrained to hold elections in accordance with the approved change.

2. In the facts and circumstances of the case, this petition can be disposed of by directing the Assistant Charity Commissioner to take decision in respect of the pending change report bearing no. 2293/2013, as expeditiously as possible, preferably by 20th April, 2015, after extending an opportunity of hearing to all the parties concerned. Election proposed to be held in accordance with the directives issued by the Assistant Charity Commissioner on 09.12.2014 would be subject to the result of the change report proceeding referred to above.

3. The parties shall appear before the Assistant Charity Commissioner on 23.03.2015 and as such, no separate notice requiring their presence shall be necessary.

4. In view of the aforesaid directions, writ petition stands disposed of.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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