

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7941 OF 2015

Shankarrao s/o Manikrao Kadam
and another

Petitioners

Versus

The Assistant Charity Commissioner,
Hingoli Region, Hingoli & others

Respondents

Mr.A.N.Irpatgire, advocate for petitioners
Mr.S.G.Karlekar, A.G.P. for Respondent No.1.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 07th August, 2015

PER COURT:

1 It is not a matter of dispute that the order dated 26.05.2015, passed by the Assistant Charity Commissioner, in Change Report Enquiry No.431/2014, is a matter of challenge in an appeal presented before the Joint Charity Commissioner.

2 The observations made by the Assistant Charity Commissioner in reference to membership of twelve members shall have to be dealt with by the appellate forum while deciding the appeal. It does appear that in the proceedings initiated under Section 41A of the Bombay Public Trusts Act, the Assistant Charity Commissioner has considered scope and ambit of the order in the proceedings under Section 22 of the Bombay Public Trusts Act and issued certain directions.

3 In the facts and circumstances of this case, it would be open for the petitioners or any of the parties to the appeal proceedings to tender an application in the pending appeal and seek appropriate orders from the appellate forum. If the parties to the appeal proceedings tender an application before the appellate forum, it would be open for the Joint Charity Commissioner/appellate forum to pass appropriate orders and the orders passed by the Assistant Charity Commissioner, below Exhibit-3 in Inquiry No.309 of 2015, in exercise of powers under Section 41A of the Bombay Public Trusts Act, would not be an impediment, since in the appeal proceedings before the appellate forum, where under all the questions are referable to the Change Report proceedings determined by the Assistant Charity Commissioner, can be gone into.

4 Keeping open an option to petitioners or any other party to the appeal proceedings to seek redressal of grievance from the appellate forum i.e. Joint Charity Commissioner, instant writ petition stands disposed of.

P.R.BORA
JUDGE

adb/wp794115

R.M.BORDE
JUDGE