

kps

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

WRIT PETITION NO.7672 OF 2012

Ganpat Babarao Raut.

..Petitioner

-Versus-

Purushottam Manohar Mahajan and others.

..Respondents

.....

Mr.U.B.Bilolikar, Advocate for the Petitioner.

Mr.M.B.Sandanshiv, for the Respondent Nos.1 and 2.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th January, 2015

Per Court:

1 Heard the learned counsel appearing for the respective parties. The controversy in this matter is that two groups have filed two change reports in relation to the same Trust, namely, Rashtriya Shikshan Samiti, Nanded bearing Inquiry Nos.882/2008 and 1667/2008 pertaining to the same tenure of the trustees. In short, two groups claim to have held the elections and their respective members claim to be elected as trustees of the said Trust. An application filed by the Petitioner below Exhibit-51 praying for clubbing both the Inquiry Applications so as to enable the Assistant Charity Commissioner to decide the two Change Reports, has been rejected by the impugned order dated 21.08.2012.

2 The learned counsel appearing for the Petitioner submits that notwithstanding the difference between two groups, the Competent Authority has to decide as to who have been elected as Trustees in accordance with law. As such, as regards two Inquiry Application Nos.882/2008 and 1667/2008, the Assistant Charity Commissioner would

be required to come to a conclusion as regards the elected trustees for the said Trust.

3 The learned counsel appearing for the Respondents submits that the ends of justice would be met if the Assistant Charity Commissioner is directed to decide both the Inquiry Application Nos.882/2008 and 1667/2008 together and as expeditiously as possible.

4 In the light of the above, the impugned order dated 21.08.20012 is quashed and set aside. Since both proceedings are pending before the same Assistant Charity Commissioner, Nanded, the said Authority shall decide the Inquiry Application Nos.882/2008 and 1667/2008 by clubbing them and deciding them together as expeditiously as possible and preferably within a period of SIX MONTHS from today.

5 With the above directions, this Writ Petition is partly allowed. No order as to costs.

(RAVINDRA V. GHUGE, J.)