

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

941 WRIT PETITION NO.9183 OF 2014
WITH CA/2291/2015 IN WP/9183/2014

SHRI SANT MARUTI MAHARAJ KANEGAONKAR ASHRAM SCHOOL,
OSMANABAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Surwase B.R. And V. M.
Humbe

Mr. VH Dighe, AGP for Respondents: 1, 3 & 4.

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 29th April,2015.

PER COURT :

1) Heard. We have perused the provisions contained in Section 41-A of Maharashtra Public Trusts Act. The said provisions enable Charity Commissioner/Assistant Charity Commissioner to pass an appropriate order in the interest of trust. Accordingly, the order passed by Assistant Charity Commissioner, Osmanabad, appointing Shri M.V.Gaikwad, Office Superintendent of the Public Trust registration office, Osmanabad and Head Master of the Aashram School at Bhosga to operate the account of the trust, was well within the powers of the Assistant Charity Commissioner.

2) Respondent No.2 has filed an affidavit and in Para 7 thereof, it is stated that Respondent No.2 is ready to operate the account, as prayed by the petitioner, provided he receives an order from the Competent authority/Court.

3) In the circumstances, till decision on the pending change report is taken by Assistant Charity Commissioner, the arrangement, which was in force earlier, to continue till then, subject to modification/cancellation, if any by the Assistant Charity Commissioner. So far as operation of account of the trust in future is concerned, the learned Assistant Charity Commissioner to pass appropriate orders within two weeks from today, in the light of observation made herein before.

4) In the light of above, the petition stands disposed of. Consequently, the civil application also stands disposed of.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/