

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO. 10788 OF 2014

DATTATRAYA MALAPPA PATIL
VERSUS
GOPALSINGH KUSHALSING BAYAS AND OTHERS

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Advocate for Petitioner : Mr. Sapkal V.D.
Mr. SS Thombre, Adv. for Resp.Nos. 1 & 8;
Mr. SG Karlekar, AGP for Respondent No.9;
Mr. Mukhedkar Amit A., Adv. For R/ 2 to 4.

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

Dated: July 01, 2015

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PER COURT :-

1) Heard. An application tendered by the petitioner requesting the Assistant Charity Commissioner to issue directions under Section 41-A of the Bombay Public Trusts Act, has been turned down mainly on the ground that the elections of the Trust are conducted and change reports have been presented on behalf of Respondent No.1. The Assistant Charity Commissioner, therefore, did not deem it appropriate to consider the application in view of pendency of the change report proceedings.

2) It would be open for the petitioner to object to the change report by presenting appropriate objections before the Assistant Charity Commissioner. It would be further open for the petitioner to tender appropriate application seeking interim order and directions in respect of management of affairs of the trust during the pendency of change report proceedings and if such application is presented, the Assistant Charity Commissioner, shall deal with the said application in accordance with the provisions of law and taking into consideration the facts and circumstances of the case.

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3) The Assistant Charity Commissioner, shall finally decide the change report proceedings, as expeditiously as possible and preferably within four months from today.

4) The parties before us undertake to cooperate the Assistant Charity Commissioner in disposal of the change report proceedings.

5) With the directions, as above, the writ petition is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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