

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1044 OF 2013

Shivlal Pundlik Thakre

-vs-

Asstt.Charity Commissioner, Akola and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.R.Deshpande, counsel for petitioner.
Mr.T.R.Kankale, AGP for respondent Nos.1 and 2.
Mr.S.R.Deshpande, counsel for respondent No.3.
Mr.R.L.Khapre, counsel for respondent No.4 and 8 to 13.
Mr.H.R.Gadhia, counsel for respondent Nos.5 to 7.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : 28.01.2015.

Heard Advocate Shri A. R. Deshpande for petitioner, Assistant Government Pleader Shri T.R.Kankale for respondent Nos.1 and 2, Advocate Shri S.R.Deshpande for respondent No.3, Advocate Shri R.L. Khapre for respondent Nos.4 and 8 to 13, Advocate Shri H.R.Gadhia for respondent Nos.5 to 7.

It is not in dispute that the appeal filed against order dated 31/12/2012 in Change Report Proceeding No.551 of 2012 by reporting trustee before competent forum is pending. There the prayer for condonation of delay is to be looked into.

While rejecting that Change Report, Assistant Charity Commissioner has directed recorded trustee Smt.Pushpamala Motiramji Lahane, i.e. respondent No.3 and other recorded trustee namely Shivlal Pundlik Thakre (present petitioner) to prepare correct list of members as provided in the Constitution of Society and to hold elections

on the basis of that list for electing Governing Body. This direction is still not being complied with. According to petitioner as also according to learned Charity Commissioner, this direction is under Section 41-A of Maharashtra Public Trusts Act.

Advocate Shri Khapre, however, submits that this direction is an essential part of exercise of jurisdiction under Section 22 of Maharashtra Public Trusts Act.

After hearing respective counsel at least in this matter, it is not necessary to go through these niceties. The parties agree that if the exercise in terms of direction No.2 is completed by the officer appointed by respondent No.1, they have no grievance.

Thus, we direct respondent No.1 to appoint a responsible officer on its establishment to discharge obligations cast upon Smt.Lahane and Shri Thakre by operative part Clause-2 of the order dated 31/12/2012. The said appointment shall be made within a period of two weeks from today and the official shall thereafter complete election within next three months.

Needless to mention that the said exercise shall be only to elect ad hoc body to look after the affairs of the trust during pendency of the proceedings before appellate forum and shall be subject to it.

As such, it will not be necessary to submit any Change Report thereafter.

With these directions, writ petition is disposed of. No costs.

JUDGE

JUDGE