

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3044/2015

Shivlal Pundlik Thakre

...Versus...

Assistant Charity Commissioner, Akola, Tq. and Distt. Akola and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Deshpande, Advocate for petitioner
Shri M.K. Pathan, AGP for respondent nos.1 and 16
Shri R.L. Khapre, Advocate for respondent nos.3 and 4

**CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.**

DATE : 17.12.2015

By this writ petition, the petitioner challenges the order of the Superintendent (Judicial) in the office of the Assistant Charity Commissioner, Akola, dated 22.5.2015 taking steps for preparation of voters' list, etc. in the matter of conducting the election to the trust.

By an order of the Assistant Charity Commissioner, Akola dated 31.12.2012, the recorded trustees were directed to prepare the correct list of members and hold the election to the governing body of the trust within three months from the date of the order. The said order was challenged before this Court in Writ Petition No.1044/2013 and the parties agreed that the direction, issued by the Assistant Charity Commissioner, Akola as aforesaid, could be implemented and that the exercise of conducting the election should be completed by the Officer appointed by the Assistant Charity Commissioner, Akola. In view of the agreement

between the parties, this Court directed the Assistant Charity Commissioner, Akola to appoint a responsible officer on its establishment to prepare the voters' list and to hold the election within a period of three months. The voters' list is prepared by the Superintendent (Judicial) in the office of Assistant Charity Commissioner, Akola. The grievance of the petitioner is that the said list is not properly prepared. According to the petitioner, the Superintendent (Judicial) in the office of Assistant Charity Commissioner, Akola has refused to acknowledge the list of voters that was acknowledged by the authority in 1997 in the scheme proceedings.

We are not inclined to entertain the writ petition against the order of the Superintendent (Judicial) in the office of Assistant Charity Commissioner, Akola. It would not be for this Court to consider and decide the issue, in exercise of the writ jurisdiction whether the Superintendent (Judicial) in the office of Assistant Charity Commissioner Akola has prepared a correct voters' list for holding the election to the governing body of the trust. If there is any dispute in regard to the preparation of the voters' list, the petitioners or any other aggrieved parties are free to take up appropriate proceedings.

Since we have declined to entertain the writ petition in respect of the relief sought, the writ petition is dismissed with no order as to costs.

The points raised in the petitioner are kept open.

JUDGE

Wadkar

JUDGE