

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3704 OF 2014

Lok Jagruti Shikshan Sanstha Gose (Bk) Bhandara Vs. Jt. Charity Commissioner Nagpur & Ors.

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

Court's or Judge's Order

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 Shri P. S. Tidke Adv for petitioner.

CORAM: A. S. CHANDURKAR J.

DATED: FEBRUARY 17, 2015.

Challenge in the present writ petition is to the order dated 18.01.2014 passed by the learned Joint Charity Commissioner under provisions of Rule 36(iii) of the Maharashtra Public Trust Rules, 1951. By aforesaid order the prayer for transfer of cases pertaining to the petitioner trust to any other competent authority has been rejected.

The learned counsel for the petitioner submitted that the respondent Nos. 2 to 4 had been placed under suspension pending disposal of main application under Section 41-D of the said Act. However, learned Assistant Charity Commissioner by order dated 17.05.2013 permitted respondent nos. 3 and 4 to jointly operate the bank account

ignoring the order of interim suspension. Similarly it is submitted that though the petitioner had moved pursis dated 27.02.2013 for withdrawal of proceedings under Section 41-A of the said Act, the same was rejected on 01.02.2013 and instead it was observed that inquiry was necessary in the matter. Learned counsel further submitted that on 05.06.2014 complaint against said authority was duly made by various persons including the petitioner. It is, therefore, submitted that there was grave apprehension that the petitioner would not be treated fairly while adjudicating its proceedings that were pending before the said authority.

Perusal of the impugned order indicates that the respondent no.1 has found that the order dated 01.03.2013 passed by the learned Assistant Charity Commissioner Bhandara had been confirmed by this Court in Writ Petition no. 1273 of 2013. Similarly, the order dated 17.05.2013 also was not interfered with by this Court. It is, therefore, observed in the impugned order that there was no basis for the apprehension of the petitioner. The complaint that has been referred to is dated 05.06.2014 which is after moving the

application under Rule 36(iii) of the said Rules. Hence, there is no material on record to justify the apprehensions of the petitioner. It has been rightly observed that it would be open for the petitioner to challenge any order passed by said authority, in case the petitioner is aggrieved by such order. Hence, by rejecting the application for transfer moved by the petitioner it cannot be said that any jurisdictional error has been committed. There is no reason to interfere with the impugned order. Writ Petition stands dismissed with no order as to costs.

JUDGE