

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

WRIT PETITION NO.6873 OF 2013

**Abdul Quddus s/o Abdul Hameed ..vs.. The Assistant Charity
Commissioner Washim, Taluka and District Washim and ors**

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

Court's or Judge's order

Shri M.V. Samarth, counsel for the petitioner.
Mrs. B.P. Maldhure, AGP for R-1.
Shri P.C. Madkholkar, counsel for R-7, 15, & 16.

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.**

DATE : JANUARY 6, 2015.

1. **Heard.**

2. The petitioner questions Resolution dated
14.8.2012 passed by respondent Nos.2 to 8.

3. It is contended that by the said Resolution,
the persons with criminal background i.e.
respondent Nos.14, 15, and 16, have been
inducted as life members.

4. Prayer Under Section 41A application was

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to stay that Resolution. This application has been rejected by impugned order dated 5.10.2013. Respondent No.1 has observed that ingredients of Section 41A are not satisfied in the matter.

5. According to Shri M.V. Samarth, learned counsel for the petitioner, induction of persons with criminal background was sufficiently established and that affected image in public of society and hence, it was sufficient damage to the property of society / trust. He further contends that after the application was filed, the Assistant Charity Commissioner has, by separate order passed on 15.9.2012, found it maintainable and as such on very same ground, later on, the application could not have been turned down. He also points out before this Court that neither respondent No.1 nor any other respondent has filed any reply.

6. Mrs. B.P. Maldhure, learned Assistant Government Pleader for respondent No.1, has supported the order.

7. Shri P.C. Madkholkar, learned counsel, has supported the order. He points out that even alleged Resolution dated 14.8.2012 is not placed on record and there was no document to support the allegations made in Section 41A application. He further submits that Resolution dated 14.8.2012 constitutes school committee and has got no bearing on Management of the Trust as such, with which respondent No.1 may be concerned. He contends that, as there are no allegations which satisfy the ingredients of Section 41A(1), the application has been rightly rejected.

8. We have perused the application only. The challenge appears to be to alleged Resolution dated 14.8.2012. The copy of that

Resolution was not produced before respondent No.1. As such, it is not possible either for respondent No.1 or for this Court to find out what is the effect of that Resolution. But by mere adding persons as life members, it cannot be said that the trust is not being properly administered, and the income thereof is not properly accounted for or duly appropriated and applied to the objects and for the purposes of the trust. The allegations in Section 41A application do not show any such mal-admission or mis-management or any mis-appropriation or then waste of trust property. As such, we do not find anything wrong with the order impugned. The writ petition is, therefore, dismissed with no order as to costs.

JUDGE

JUDGE

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