

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

WRIT PETITION NO.7257 OF 2014

Allauddin S/o Pirbhai Virani
-vs-y
Asst. Charity Commissioner, Yavatmal & Ors.

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

Court's or Judge's Orders.

Shri P. A. Gode, Advocate for petitioner.
Shri C. N. Adgokar, AGP for respondent No.1.
Shri R. K. Joshi, Advocate for respondent Nos.2 to 13.

CORAM : A.S.CHANDURKAR, J.
DATE : AUGUST 10, 2015

Challenge in the present writ petition is to the order dated 07/10/2014 passed by the learned Assistant Charity Commissioner partly allowing the application filed under Section 73A of the Maharashtra Public Trusts Act, 1950.

On behalf of the petitioner, it is submitted that though Change Report No.134 of 2009 was pending for all these years, the respondent Nos.2 to 13 did not take any steps to intervene in the proceedings and only after the petitioner led evidence, steps were taken to intervene in the proceedings. It is also submitted that the order impugned is contrary to law laid down in **2013(6) Mh.L.J.841 (Damu Dagdu Patil v. Dilipsingh Pratapsingh Patil)**.

On behalf of respondent Nos.2 to 13, it is submitted that Change Report No.190 of 2007 pertains to the

change by which said respondents were shown as officer bearers in the elections held on 24/06/2007. It is submitted that as the question of membership has been kept open, there is no prejudice caused.

I have considered the respective submissions. In the impugned order by which respondent Nos.2 to 13 have been permitted to intervene in the proceedings filed by the petitioner, it is made clear that the question of membership has been kept open and the same would be considered while deciding the Change Report. The decision relied upon by the learned counsel for the petitioner is clearly distinguishable on facts in view of the stand taken by respondent Nos.2 to 13 that they were office bearers as sought to be reported by Change Report No.190 of 2007. Hence there is no case to interfere in writ jurisdiction. The Change Reports shall be decided on the basis of evidence led by the parties before the learned Assistant Charity Commissioner. The petition is disposed of as such.

JUDGE