

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.369 OF 2016

Md. Rahematullah S/o Shaikh Imam & another

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.R.R. Mantri h/f

Mr. H.I. Pathan advocate for the petitioners

Mr.S.B. Pulkundwar, AGP for Respondent Nos.1 & 2

CORAM : R.M. BORDE &

A. I. S. CHEEMA, JJ.

Dated : 11th JANUARY, 2016.

PER COURT :-

1 The petitioner contends that, in spite of rejection of several Change Reports, presented by the respondent No.3, he conducted a meeting and elected a new body for administering the Trust. An application was moved under section 41-A of the Act, requesting the Assistant Charity Commissioner to stay the proceedings of the meeting, which was convened by the respondent No.3. However, the Assistant Charity Commissioner refused to entertain the application. It is informed that, in the mean while on 10.1.2016, a meeting has been conducted and election has taken place and the respondent No.3 proposes to tender a change report to the Assistant Charity Commissioner. It is also not a matter of dispute that, the change report proceedings presented by the petitioner being CR No.4/12 were rejected by the Assistant Charity Commissioner on 16.11.2015. The petitioner again tendered a

fresh Change Report intimating change in the constitution of the management being CR No.768/2015, which is stated to be pending.

2 The position that emerges is, the change reports tendered by the petitioner as well as the respondent on earlier occasions have been rejected by the Assistant Charity Commissioner. It is in this situation, to ensure the proper administration of the Trust, the Assistant Charity Commissioner shall have to be issued appropriate directions. The petitioner seeks liberty to tender an application to the Assistant Charity Commissioner to issue appropriate direction for ensuring proper management of the trust. If the petitioner tenders such application within a period of four weeks from today, the Assistant Charity Commissioner may, after conducting appropriate enquiry and after extending opportunity of hearing to the parties concerned, pass order in accordance with provisions of the Bombay Public Trust Act, as expeditiously as possible and preferably within a period of three months from the date of receipt of application

3 With the directions, as above, writ petition is disposed of.

(A. I. S. CHEEMA, J)

(R.M.BORDE, J)