

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5929 OF 2012

Usha Srinivas Dayma

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Mrs. Usha Srinivas Dayma, Party in person.

Shri M. B. Bharaswadkar, A.G.P. for the Respondent No. 1.

The Respondent Nos. 3 and 4 are served.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 03RD OCTOBER, 2016.

PER COURT :

. The petitioner appears in person. The learned counsel appearing for the petitioner seeks discharge. The appearance of the learned advocate stands discharged.

2. The party in person states that, she has filed written submissions before the Court and the matter be decided pursuant thereto.

3. Vide order dated 11th August, 2016, this Court had directed the A. G. P. to seek response from the Assistant Charity Commissioner and file reply. The learned A. G. P. states that,

the Enquiry Application No. 10 of 1993 is already decided by the A. C. C. and scheme U/Sec. 50-A of the Maharashtra Public Trust Act (for short "Trust Act") has been framed in respect of Shri Shani, Shri Mahadeo, Shri Kalika Mandir Jalna pursuant to the judgment and order dated 31.01.2014. The copy of the said order is taken on record and marked 'x' for identification.

4. The present petitioner was also party to the said proceedings U/Sec. 50-A of the Trust Act. The said scheme can be challenged by the petitioner before the appropriate forum. One of the prayer of the petitioner in the present writ petition was seeking directions against the respondent No. 4 to dispose of the Enquiry Application No. 10 of 1993 expeditiously within specific time frame. The order has already been passed in Enquiry Application No. 10 of 1993 thereby scheme being framed under the Trust Act, and the petitioner has remedy to avail the same before the appropriate forum. It is not necessary to entertain the contention in this regard.

5. The contention with regard to the other trusts and their properties are too vague. It is also not made clear as to how the petitioner is a person interested. No documents are produced before the Court with regard to the alleged transaction in respect of various trust as referred to in the petition. Even the persons against whom allegations are made are not parties before the

Court. The Court cannot issue directions on the basis of such vague averments and in absence of the parties against whom allegations are made. The office of the Charity Commissioner has supervisory power over the functions of the trust. In case petitioner is a person interested as per law, then petitioner can file appropriate proceedings before appropriate forums.

6. The writ petition as such is disposed of. The petitioner is at liberty to assail the order passed by the Assistant Charity Commissioner dated 31.01.2014 before the appropriate forum as is permissible in law.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]