

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

CIVIL APPLICATION NO. 7081 OF 2015  
IN  
WRIT PETITION NO. 6804 OF 2012

Ritesh S/o Kachrual Kamad and others ... Applicants

Versus

The State of Maharashtra and others ... Respondents

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Mr. A. N. Nagargoje, Advocate for applicants  
Mr. D. R. Korde, Asstt. Govt. Pleader for respondents No.1 and 2  
Mr. R. F. Totla, Advocate for respondents No. 3 to 6, 8 to 13.

CORAM : SUNIL P. DESHMUKH, J.  
15TH JANUARY, 2016

ORDER:

1. This is an application moved by original writ petitioners, for modification of order dated 03-04-2014 in writ petition no. 6804 of 2012, particularly the observations appearing in paragraph No.9 of the order which read thus;

“ 9. .... It is, however, made clear that pendency of the proceedings viz. enquiry and Change Report No. 723 of 2009 shall not hinder carrying out operations and administration of the trust by respondents who claim to have been elected. During pendency of decision on Exhibit-35, the management and affairs of the trust pursuant to change report need not be disturbed. ”

2. Learned counsel Mr. Nagargoje submits that aforesaid observations are being misused by respondents and proceedings are being lengthened in enquiry and change report No.723 of 2009.

3. On the other hand, learned counsel Mr. Totla submits that the change report and enquiry are in progress pursuant to the elections held in 2009 and that until and unless position indicates any change by the authority, administration by elected persons shall not be questioned. He submits that he is ready for hearing of change report No.723 of 2009 as early as possible.

4. Learned counsel Mr. Nagargoje for applicants submits that as a matter of fact, the term of election is already over. However, it is not his case that fresh elections are held. If that be so, it is pertinent to note that the trust is to be operated in accordance with its constitution or scheme. In such a case, it would be open for the parties to take up appropriate proceedings.

5. In the situation, I deem it appropriate to direct Assistant Charity Commissioner to decide enquiry and change report No. 723 of 2009 as expeditiously as possible preferably within a period of three months from the date of receipt of writ of this order.

6. Needless to refer to that the observations quoted hereinabove are no impediment for parties to prefer appropriate proceedings.

7. Civil application, accordingly stands disposed of.

8. In view of aforesaid, other pending civil applications do not survive and stand disposed of accordingly.

SUNIL P. DESHMUKH, J.

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