

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

WRIT PETITION NO. 5782 OF 2012

Lotan Anna Patil and Others ..PETITIONERS

VERSUS

Madhukar Dangal Patil and Others ..RESPONDENTS

**WITH
CIVIL APPLICATION NO. 9450 OF 2012**

Ashok Devaji Bhaviskar and Others ..APPLICANTS

VERSUS

Lotan Anna Patil and Others ..RESPONDENTS

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Mr. P.V. Barde, Advocate for petitioners.

Mr. V.J. Dixit, Senior Advocate h/f Mr. V.P. Latange, Advocate for Respondent Nos.12 to 21.

Mr. K.C. Sant, Advocate for Respondent Nos.3, 4, 7, 9 and 10.

Mr. B.S. Deokar, Advocate for applicants.

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CORAM : T.V. NALAWADE, J.

DATED : 04th OCTOBER, 2016

ORDER :

1. Heard both sides. This Court expressed that power given to the Assistant Charity Commissioner under Section 22 of the Maharashtra Public Trusts Act needs to be kept in mind. In view of this, both sides consented to go before the Assistant Charity Commissioner. It appears

that in the past, due to some orders made by this Court as there was consent of both the sides, the Joint Charity Commissioner has made some orders which include the validity of the membership also. Elections are held after making around 50 persons as members whose validity is under challenge.

2. In view of these circumstances and as now consent is given, Respondent No.1 – Madhukar Dungal Patil and the newly elected body will have to file change report with record, in respect of all new members before the Assistant Charity Commissioner within 15 days and on the basis of that report, enquiry is to be made under Section 22 of the Act by the Assistant Charity Commissioner without getting influenced by the orders made by this Court or order made by the Joint Charity Commissioner. In this regard those orders will not come in the way of the Assistant Charity Commissioner in making enquiry as provided under Section 22 of the Act.

3. Similarly, enquiry is also to be made in respect of change report which must have been filed after the elections which took place after the order made by the Joint Charity Commissioner. The office of Joint Charity Commissioner is to send the record of so called enquiry

made by him with regard to validity of members and also that record of holding of elections to the Assistant Charity Commissioner i.e. the record of Application No. 8 of 2011. In these terms, writ petition is disposed of.

4. In the application filed in this Court, the persons who want to intervene in the present proceeding are also allowed to appear and intervene before the Assistant Charity Commissioner. Civil application stands disposed of accordingly. All the points are kept open.

(T.V. NALAWADE, J.)

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