

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

901 WRIT PETITION NO. 584 OF 2016

NIRMALABAI BHARAT TAMSHETE AND OTHERS
VERSUS
KESHAVRAO NILKANTHRAO PATIL AND OTHERS

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Advocate for Petitioners : Mantri Ramesh R.
AGP for Respondent/State : S.K. Tambe
Advocate for Respondents 1 to 4 : V.D. Gunale

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CORAM : T.V. NALAWADE, J.
DATED : 16th November, 2016.

ORDER :

1. The petition is filed to challenge the order made by the learned Assistant Charity Commissioner, Nanded in Inquiry No. 912/2015. Both the sides are heard.

2. The application was filed for giving effect to the Change Report which was accepted by the Assistant Charity Commissioner in the past. This Change Report was rejected by the learned Joint Charity Commissioner. But the order of Joint Charity Commissioner is set aside by the District Judge in application filed in District Court. Though the first appeal is filed in this Court, this Court has not granted stay to the decision given by the District Court. The learned counsel for petitioner placed reliance on the observations made by this Court in **Writ**

Petition No. 3742/2016 decided with other matters [Vithalrao Pandurangrao Lahane and Anr. Vs. Satish Bhanudasrao Chavan and Ors.] dated 29th June 2016. The learned counsel submitted that as the Change Report needs accepted, that change is to be reflected in the register and persons shown in the Change Report need to be allowed to function. The learned counsel for respondents submitted that subsequently, parties have settled the dispute and some change is jointly filed by them before the Assistant Charity Commissioner. In view of these circumstances, this Court holds that the Assistant Charity Commissioner ought to have allowed the application and ought to have given effect to the change accepted by him.

3. In the result, petition is allowed. The Application No. 912/2015, which was filed before the Assistant Charity Commissioner is allowed. In those terms the petition disposed of.

[T.V. NALAWADE, J.]

ssc/