

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5019 OF 2015

(Suresh Tulsiram Hole vs. Sanjay Manikrao Wasu and others)

Office Notes, Office Memoranda of

Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri U.N. Vyas, Advocate for petitioner.

Shri U.J. Deshpande, Advocate for respondent nos.1
to 8.

Shri N.S. Rao, Assistant Government Pleader for
respondent no.9.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 11, 2016

Petitioner claiming to be an elected President questions order passed under Section 41-A of the Bombay Public Trusts Act by urging that an elected body was displaced and third person has been given charge of Trust's administration. Submission is that such course of action is not permissible under Section 41-A of the Bombay Public Trusts Act.

Adv. Deshpande appearing for respondent nos.1 to 8 is strongly opposing the petition. Shri Rao, learned Assistant Government Pleader on behalf of respondent no.9 states that he has received instructions and seeks time to file affidavit.

Perusal of the impugned order reveals that though the Bank Accounts should have been operated under joint signature, no such joint account has been opened and petitioner alone is handling the financial affairs. It shows that Trust has constructed a hall and it is being let out for marriages and other similar functions, but income thereof is not reflected in the accounts of Trust.

There are certain other illegalities pointed out, which also show that there are some manipulations prima facie in Trust's accounts.

The petitioner has approached this Court alone in his capacity as President. Though in paragraph 3, there is assertion that he is authorised by Trustees to file these proceedings, copy of any such resolution, its number or even date of meeting is not disclosed.

In this situation, Assistant Charity Commissioner, who is statutory guardian of public Trust has appointed one Ambadas Keshaw Wasu as a person to look after the affairs with direction to carry out all financial transactions under joint signature of Inspector attached to his office and said Ambadas.

Taking overall view of the matter, we are not inclined to intervene in the extra-ordinary jurisdiction to examine the issue whether such order

could have been passed under Section 41-A of the Bombay Public Trusts Act. The petition is, therefore, rejected. No costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

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