

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

WRIT PETITION NO.4013 OF 2016

[Shri Dhanraj s/o Jagoji Meshram and others .vs. Shri Shankarrao Pandurang Barai and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Abhyankar, counsel for the petitioners.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 15, 2016.

By this writ petition, the petitioners challenge the order of the Assistant Charity Commissioner, dated 14.3.2016, rejecting an application filed by the petitioners, under Section 41-A of the Maharashtra Public Trusts Act, 1950.

The petitioners have claimed to be the recorded trustees of the trust. According to them, some of the other recorded trustees-respondents are trying to manage the affairs of the trust, without permitting the petitioners to participate in the management. It is stated that since the action on the part of the respondents was causing great prejudice to the petitioners, they had filed an application under Section 41-A of the Act for a direction that the incoming trustees in change report no.171/2015 should be permitted to manage the affairs of the trust or the recorded trustees should be permitted to manage the affairs of the trust by majority under the Vice-President ship of the petitioner no.1 herein. According to the petitioners, the acts on the part of the recorded trustees-respondents that were managing the trust to the exclusion of the petitioners were causing great prejudice to the trust. The application made by the petitioners was rejected by the impugned order.

On hearing the learned counsel for the parties and on a perusal of the impugned order, we do not find that there is any scope for interference with the impugned order in exercise of the writ jurisdiction. The Assistant Charity Commissioner rightly observed that both the parties had filed rival change reports and passing of any order in the proceedings under Section 41-A of the Act would result in causing prejudice to either of the parties to the change report inquiry proceedings that are pending. The Assistant Charity Commissioner observed that though the petitioners had made certain allegations in respect of misappropriation by the respondents, there was no documentary material placed on record in support of the same. The view expressed by the Assistant Charity Commissioner is a possible view and we are not inclined to interfere with the same in exercise of the writ jurisdiction. If the petitioners so desire, they are free to take up appropriate proceedings against the respondents under the other provisions of the Maharashtra Public Trust Act.

Since there is no scope for interference with the impugned order, we dismiss the the writ petition, with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

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