

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4162/2016

(Jitendra Dadaji Motghare vs. Dhanraj Laxman Malke and others)

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

Court's or Judge's order

Mr. S.D.Abhyankar, Advocate for the petitioner
Mr. A.S.Bhandarkar, Advocate for respondent no.2

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

DATED : 20th July, 2016

Heard.

By this Writ Petition, the petitioner challenges the order of the Joint Charity Commissioner, Nagpur, dated 11.7.2016, rejecting the prayer made by the petitioner for postponement of the election.

It is the case of the petitioner that the charges are framed against some of the respondents under section 41D of the Bombay Public Trusts Act and despite an order of the Joint Charity Commissioner not to conduct the meeting, the respondents have conducted the meeting and are holding the elections. It is stated that in the circumstances of the case, the elections ought to have been postponed, on the application made by the petitioner.

On hearing the learned counsel for the parties, we do not find that there is any scope for interference with the impugned order, in exercise

of the writ jurisdiction. The elections are scheduled on 2.8.2016. More than five years have lapsed from the holding of the last elections. The election programme is already published. The Joint Charity Commissioner has rightly held that merely because the proceedings are pending before the concerned respondent under Section 41D of the Act, the elections could not be postponed. We do not find any reason for interference with the impugned order. Even if the elections are held and a body is elected, the petitioner would have other remedies. The judgment, reported in AIR 2006 Guj 9: Rashmikant Patel vs. Joint Charity Commissioner, and relied on by the learned counsel for the petitioner, would have no application to the case in hand.

The Writ Petition is disposed of with no order as to costs.

The points raised in the Petition are kept open.

JUDGE

JUDGE

sahare

C E R T I F I C A T E

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

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