

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

WRIT PETITION NO.4403/2016

Anil s/o Shankarrao Tidke and others

...Versus...

The Joint Charity Commissioner, Nagpur 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.P. Kshirsagar, Advocate for petitioners
Shri D.P. Thakare, Addl. G.P. for respondent no.1
Shri A.P. Thakare, Advocate for respondent nos. 2 & 7

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

DATE : 09.08.2016

By this writ petition, the petitioners impugn the order of the Joint Charity Commissioner, Nagpur, dated 8.7.2016 rejecting an application filed by the petitioners for staying the election to the Managing Committee of the Trust.

It is the case of the petitioners that the election is being conducted by the respondents in violation of the bye-laws which do not permit the Members to participate in the subsequent election unless they are re-registered. It is stated that though the respondents had declared the election programme, they have not accounted for the money of the Trust and all the orders are passed in favour of the petitioners herein, in the proceedings filed against the respondents under Section 41 B of the Maharashtra Public Trusts Act. It is stated that out of 6000 Members in the

Trust, 2000 and odd Members belong to one family and this cannot be permitted. It is stated that the election programme is declared illegally and the election should be stayed.

On the other hand, the respondents have disputed the aforesaid position and have stated that the elections are being conducted as per the Rules. It is stated on behalf of the Joint Charity Commissioner that the authority rightly did not stay the election as the order of the Deputy Charity Commissioner directing the holding of the election within three months was never challenged by the petitioners. Even if the elections are concluded as per the election programme, the petitioners would have other remedies.

On hearing the learned Counsel for the petitioners and on a perusal of the impugned order, we find that there is no scope for interference with the order of the Joint Charity Commissioner. The Joint Charity Commissioner rightly did not find it necessary to stay the elections after perusal of the application filed by the petitioners. We find that in the application made by the petitioners, the petitioners have not raised any grounds. The grounds in the submission made on behalf of the petitioners, are raised in this Court for the first time. We do not find any valid ground in the application, that is, made by the petitioners for staying the elections. The elections are scheduled on 28.8.2016 and the objections to the nominations are required to be registered today. It would not be proper to interfere with the election process by setting aside the order of the Joint Charity Commissioner, more so, when the petitioners would be entitled to avail other remedies, even after the elections are concluded. The elections to the Managing Committee are not conducted for long

and it would not be proper to stay the elections, specially when the Deputy Charity Commissioner has directed that the elections be concluded, within three months and the said order is not subjected to challenge.

Since the order of the Joint Charity Commissioner cannot be faulted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar

CERTIFICATE

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

Uploaded by : S.S. Wadkar, P.S.

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