

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7658 OF 2017

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ABDUL WAHAB ABDUL KADIR
VERSUS
ASSISTANT CHARITY COMMISSIONER DHULE AND
OTHERS

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Advocate for Petitioner : Mr A R Sayed h/f S P Brahme
AGP for Respondents: Mr N T Bhagat
Advocate for Respondents : Mr Vakil Afzal Husain M.
For R/2, Mr Pawar Pawan B For R/3.

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CORAM : V.K. JADHAV, J.
Dated: November 22, 2017

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PER COURT :-

1. By way of this writ petition, the petitioner/original reporting Trustee in Charge Report No.373/2014 have challenged the order below exh.62 passed by the Assistant Charity Commissioner-2, Dhule Region, Dhule.

2. Petitioner Anjuman-E-Isahte Taleem is the registered Trust under the Maharashtra Public Trust Act vide registration No.E/611/Dhule. Petitioner came to be elected as a President and Shri Dosh

aaa/-

Mohammad Abdul Majid was elected as a vice President for the period 2014 to 2019 in a General Body Meeting held on 13.7.2014. Consequently, the petitioner has submitted aforesaid change report No. 373/2014 for recording the change, however, in the change report, petitioner has mentioned the date as 5.7.2014 at two places. The petitioner has mentioned said date on his application and on its affidavit. The petitioner has, therefore, filed an application Exh.62 seeking correction in the change report so far as those dates are concerned, however, by impugned order learned Assistant Charity Commissioner has rejected said application.

3. Learned counsel for the petitioner submits that, said change report, though, mentioned the date 5.7.2014 at two places, verification was notarized on 5.8.2014 and as per the endorsement of the office of the Assistant Charity Commissioner, said change report was received on 6.8.2014. Learned counsel

submits that, correction sought is extremely formal in nature and it hardly cause any prejudice to the defence of the respondents.

4. Counsel appearing for respondent nos. 2 and 3 submits that, General Body meeting shown to have been held on 13.7.2014 and aforesaid change report has been submitted before the authority for recording change as resolved in the said General Body Meeting. Learned counsel submits that, petitioner himself has given admission in his cross examination that, after putting signature on 5.7.2014 on change report, general body meeting was held on 13.7.2014. He has further given admission in his cross-examination that before the General Body meeting was conducted, he had prepared the change report on 5.7.2014 and accordingly signed on it. Learned counsel submits that, respondents/objectors have specifically raised objection on the ground that no such meeting was held on 13.7.2014 and false change report has been

submitted before the authority. Learned counsel submits that, aforesaid amendment is not formal in nature and that is inconsistent with the admissions given by the petitioner himself. Learned Assistant Charity Commissioner has, therefore, rightly rejected the application. No interference is required.

5. It appears that, present respondents have raised the objection to the change report on the ground that no such meeting had taken place on 13.7.2014. Petitioner has given admissions in his cross-examination that, he has already prepared the change report before the General Body meeting was held and he also put his signature when change report was prepared on 5.7.2014. In the backdrop of this admission, the correction as to the date mentioned in the change report is not permissible. The learned Assistant Charity Commissioner has, thus, rightly rejected the application. However, it is open for the petitioner to convince the learned Assistant Charity

Commissioner, Dhule that, though, change report prepared and signed by him on 5.7.2014, it was submitted before the authority after decision was taken in the General Body meeting for recording the change.

6. In view of the above discussion, writ petition is disposed of. No costs.

(V.K. JADHAV, J.)

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