

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10062 OF 2017

Devsing Khema Chavan
& others

Petitioners

Versus

The Assistant Charity Commissioner
Aurangabad & others

Respondents

Mr. P.B. Shirsath, advocate for petitioners.
Ms. S.S. Raut, A.G.P. for respondent no. 1.
Mr. G.V. Mohekar, advocate for respondent no. 2.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 10th AUGUST, 2017**

PER COURT:

1. Learned counsel for petitioners informs that the President of the trust has issued notice on 23.07.2017 convening general body meeting of the trust on 11.08.2017 for conducting elections to the Managing Committee. At the same time, the Secretary of the trust has also issued separate notice on 25.07.2017 convening meeting of the general body on 12.08.2017. It is informed that after service of notice of this petition on other side, revised agenda is published preponing meeting of the general body and, one of the subjects in the meeting is to elect the office bearers of the Managing Committee. Petitioner however, contends that the President has no authority to convene the meeting since he has already been removed and change report in that regard has been presented to the Charity Commissioner. On the contrary, the President in

notice issued on 04.08.2017 records that the Secretary has no authority to convene the meeting since has has been removed.

2. It does appear that there are serious disputes amongst the members of the Managing Committee as regards entitlement of office bearers to convene the meeting. In order to resolve the controversy arising in the mater, fact finding exercise needs to be undertaken and, in view of provisions of Maharashtra Public Trust Act, it is within the domain of the Charity Commissioner to issue appropriate directions for management of trust. If petitioners tender appropriate application to appropriate authority under provisions of Maharashtra Public Trust Act, the same shall be entertained and appropriate order shall be passed.

3. With liberty as aforesaid, writ petition stands disposed of.

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE