

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

WRIT PETITION NO. 10567 OF 2017

Trambak Nago Chaudhari & Ors. .. Petitioners
Versus
Assistant Charity Commissioner, Dhule .. Respondents
and others

Mr.S.P. Brahme, Advocate for the petitioners.
Mr.A.B. Girase, Government Pleader for respondent/State.

**CORAM : R.M. BORDE &
S.M.GAVHANE, JJ.**

DATED : 24.08.2017

P.C. :-

1. Heard. We have perused the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.15812/2014 dated 03.01.2017. The Apex Court has kept the issue open relating to the validity of the resolution cancelling membership of some of the members to be agitated by the petitioners before the Charity Commissioner and it has been further instructed to the Charity Commissioner to consider the same at the time of granting his approval/disapproval to the change report.

2. It is informed that the change report

proceedings are pending before the Charity Commissioner. It would be open for the petitioners to raise the issue relating to the validity of resolution before the Charity Commissioner and said authority is bound to decide the issue in view of directions issued by the Hon'ble Supreme Court. It is contended that during the pendency of the change report proceedings, the so called office bearers of the trust are proceeding to hold fresh elections. It would be open for the petitioners to raise grievance in that regard before the appropriate forum at appropriate stage. In exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for at this stage of the proceeding. Keeping the option of the petitioners open of availing appropriate remedy available in law, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[R.M.BORDE, J.]