

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3765 OF 2017

Shri Ramchandra Devstan Trust,
Khochiwade through its Vice-
Chairman, Mr. Kailas Moreshwar
Vaity.

..Petitioner.

Vs

1.Mr.Manoj Vaity and Ors

.. Respondents

Mr. Rajesh Dumbre i/b A.B.Tajane, Advocate for Petitioner.
Mr. Kaushal Tamhane, Advocate for Respondent no.1.
Ms. Vaishali Nimbalkar, A.G.P for Respondents no. 2 and 3.

CORAM : R.G.KETKAR,J.
DATE : 03/04/2017

PC:

1. Heard Mr. Rajesh Dumbre, learned counsel for the petitioner, Mr. Kaushal Tamhane, learned counsel for respondent no.1 and Ms.Vaishali Nimbalkar, learned A.G.P for respondents no.2 and 3 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 27.3.2017 passed by Assistant Charity Commissioner-I, Thane Region, Thane. By that order, the Assistant Charity Commissioner has formed an Adhoc Committee comprising of Mr. Ramdas Kashinath Patil and Mr. Manoj Vaity to look after the affairs of Ram Navami festival. The Assistant Charity Commissioner has issued further directions in paragraph 2 of the

impugned order.

3. In support of this Petition, Mr. Dumbre submitted that respondent no.1 made application on 22.3.2017 for appointment of interim Administrator for smooth celebration/uninterrupted celebration of Ram Navami festival on 4.4.2017 in terms of earlier order dated 11.4.2016. He invited my attention to the application made by the first respondent and submitted that respondent no.1 has not clarified as to under which provision such application is made. On 22.3.2017, the petitioner filed reply. By the impugned order, the Assistant Charity Commissioner has constituted Adhoc Committee. He submitted that while passing the impugned order, the Assistant Charity Commissioner has not dealt with as to under what provision the application is made and the order is made. He, therefore, submitted that the impugned order deserves to be set aside.

4. On the other hand, Mr. Tamhane invited my attention to the application dated 16.3.2015 made by the petitioner before the Charity Commissioner. The petitioner itself proposed to constitute Committee consisting of Mr. Ramdas Kashinath Patil and respondent no. 1- Mr. Manoj Vaity as representatives of villagers. He submitted that the said application is duly signed by the trustees of the petitioner. In pursuance of that application, the Committee was constituted. The same arrangement was also made by order dated 11.4.2016. He submitted that having regard

to conflict among villagers and also to ensure that law and order is maintained in the village, the Assistant Charity Commissioner has continued the arrangement which were made in the years 2015 and 2016. He, therefore, submitted that no case is made out for invocation of powers under Article 227 of the Constitution of India.

5. I have considered the submissions advanced by the learned counsel appearing for the parties. I have also perused the material on record. A perusal of the record shows that the application was made by the petitioner on 16.3.2015 for constituting Committee. In pursuance thereof, for the year 2015, festival Committee was constituted for 15 days consisting of Shri Ramdas Patil, Chairman of the petitioner and Shri Manoj Vaity, respondent no.1, as representatives of the villagers. The said arrangement also continued by order dated 11.4.2016. A perusal of the impugned order and in particular paragraph 2 thereof shows that the Assistant Charity Commissioner has considered the background of the case as also arrangements which were made in the years 2015 and 2016 and accordingly constituted Adhoc Committee of two members for collecting donations from devotees on behalf of the petitioner-trust. In view thereof, I do not find any error in the impugned order.

6. A perusal of paragraph 4 of the impugned order shows that neither Mr. Ramdas Patil, Chairman, nor Mr. Manoj Vaity,

respondent no.1 complied the order dated 11.4.2016. The Assistant Charity Commissioner, therefore, directed them to comply the order and file report on or before 27.4.2017.

7. Mr. Tamhane submitted that as per the order dated 11.4.2016, respondent no.1 was supposed to hand over receipt books together with cheques of donation collected by the first respondent. He states that within one week from today, respondent no.1 will hand over receipt books together with cheque/s of donations received by respondent no.1 in the office of the Assistant Charity Commissioner. The Assistant Charity Commissioner, in turn, will accept the said record and will hand over to Mr. Ramdas Patil within one week thereafter. Mr. Dumbre also assures that within two weeks from today Mr. Ramdas Patil will also comply the order dated 11.4.2016.

8. Mr. Tamhane also assures that in case exigency arises in the year 2018, respondent no.1 or any other persons interested will file application three months well in advance before Ram Navami festival. Statement made by Mr. Tamhane is accepted. Subject to this, Petition fails and the same is dismissed. All parties including the Assistant Charity Commissioner to act upon the authenticated copy of this order. Order accordingly.

(R.G.KETKAR, J.)