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

**WRIT PETITION NO.6936 OF 2012**

Shri Ashok Shrirang Yadav
and others ...Petitioners
Vs.
State of Maharashtra
and others ...Respondent
….
Mr. V.K. Bodhare for the Petitioner.
Mr. A.I. Patel, AGP for Respondent Nos.1 and 2.
Mr. A.P. Vanarse for Respondent Nos. 3 and 4.
….

**CORAM : NARESH H. PATIL AND**
**SMT. BHARATI H. DANGRE, JJ.**

**10th July, 2017.**

**P.C.:**

1. By way of this Petition, the Petitioners are challenging the order dated 05th May, 2012 passed by the Joint Charity Commissioner, Pune Region, Pune. Operative Part of the said order reads thus:

> "1. The application filed by the applicants under Section 41A of the Bombay Public Trusts Act, 1950 stands allowed.
>
> 2. The respondents are hereby directed to submit the accounts of the trust alonwith the documents such as passbooks, ledger books, cash book pertaining to the period from 2002 to 2005 to the office of "Sewagiri Shikshan Sanstha, Bhosari, Pune" within 15 days from the date of this order.

> 3. Entry of this order be taken in Public Trusts Register Schedule-I."

2. The learned Counsel appearing for the Petitioners submits that, the Petitioners do not possess any documents such as cash book, ledger books, pass books pertaining to the period from 2002 to 2005. He further submits that the Petitioners are not in the management of the Trust today.

3. The learned Counsel appearing for the respondents submits that the management committee is now changed and some other persons are managing the affairs of the Trust.

4. We have perused the record. The impugned order was passed in the year 2012. The Petition is pending since last five years. We are not inclined to entertain this Petition merely on the basis of the documents annexed thereto and claim made by the Petitioners. The Joint Charity Commissioner, while passing the impugned order has observed in para 11 as under:

> "11. In the present case the relief sought by the applicants is very simple. Respondents have not placed on record any evidence to show that applicants have really taken away the documents which were in the custody of the respondents. In such circumstances, when the documents are required to applicant to submit the same to the office of Charity Commissioner the documents such as books of accounts, etc. are in control and possession of the trustees or any persons connected therein. The directions sought by the applicants are not out of the way. It is for the proper administration of the trust. The respondents have failed to establish that these documents are in

> possession of the applicants and inspite of it they are calling the same from the respondents. In such circumstances, in order to ensure that the trust is properly administered these account statements from 2002 to 2005 alongwith pass books, ledger books, etc of the trust should be placed in the record of the trust by the respondents who were handling the accounts of the trust. Son in such circumstances, applicants are entitled for the relief sought by them. Hence I allowed the applicants and proceed to pass the following order."

5. In view of the subsequent development, i.e. the new managing committee is elected, it is for the newly elected managing committee to look into the matter. If the Petitioners are denying that they are in possession of the relevant record, the newly elected managing committee can take resort to appropriate alternate remedy.

6. The Jt. Charity Commissioner is directed to decide the Change Report, if any, pending before him at the earliest.

7. Without expressing any opinion on the merits of the matter, the petition is disposed of

**(SMT. BHARATI H. DANGRE, J) (NARESH H. PATIL, J)**