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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11431 OF 2015

Mihir Krishkanth Prabhudesai & Anr. ...Petitioners
vs.
The State of Maharashtra & Ors. ...Respondents

None for the Petitioners
Ms S.S.Bhende, AGP for the respondent Nos.1 to 5.
Mr.S.R.Nargolkar i/b Mr.Aumkar Joshi for respondent No.9.

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : MARCH 31, 2017

P.C.:

1 None appears for the petitioners. The learned AGP represents the respondent Nos.1 to 5. The learned counsel for the respondent No.9 is present. The challenge is to the order dated 26th October 2015 passed by the learned Joint Charity Commissioner,Pune. We have perused the said order. As per the said order, the Assistant Charity Commissioner, Pune was appointed as an Administrator of the Public Charitable Trust viz Shikshan Prasarak Mandali, Pune who was directed to hold elections. It has been also directed to appoint a special Auditor and hold enquiry regarding financial transactions of the trust. The respondent No.9 who is a member of the Bar was appointed to assist the Administrator. The learned counsel for the respondent No.9 states that in terms of the said order, the Assistant Charity Commissioner who was appointed as Administrator has held elections of the Board of Trustees in February/March 2016. He states that the

new Board of Trustees has also taken charge. Prayer clause (b-1) shows that the prayer of the petitioner was to appoint some other person as the Administrator. Now the said prayer will not survive. Prayer clause (b-2) seeks action against the Chairman and outgoing Trustees of the trust. Our attention is invited to the report dated 23rd October 2015 under sub-clause 7 of clause b of section 41 of the Maharashtra Public Trusts Act,1950. There is already a recommendation made therein to initiate proceedings under section 41-D of the said Act under the said report.

2 As far as prayer clause (b-1) is concerned, there is already a direction under the order dated 26th October 2015 to the Administrator to take assistance of a Special Auditor for examining the financial affairs of the trust. As far as prayer clause (b-4) is concerned, on the basis of the report dated 23rd October 2015 appropriate proceedings can always be initiated. As far as prayer clause (b-5) is concerned, now the election of the Board of Trustees has already taken place. Hence, it is not necessary to grant any of the substantive reliefs which are sought in terms of the prayer clause (b).

3 Accordingly, writ petition is disposed of.

(A.K.MENON,J.) (A.S.OKA,J.)