

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13502 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Suryajeet Chavan for the Petitioner.
Shri V.P. Malvankar, AGP for the Respondent No.2.

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CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 9TH JANUARY 2017

P.C.:

1. The Petition was kept back on the request made on behalf of the learned counsel appearing for the Petitioner. From the prayer clauses (a), (b) and (d), it appears that the substantive challenge in this Petition under Article 226 of the Constitution of India is to the notice dated 17th November 2016 issued by the Secretary of a Trust by which it is informed that on Sunday 18th December 2016, election of the Managing Committee will be held. Apart from the lapse of time, a writ of mandamus

cannot be issued against the third Respondent. As far as the prayer clause (c) for a direction to Charity Commissioner to conduct proper election of the Trust, the Petitioner will have to adopt appropriate remedy as the election must have taken place on 18th December 2016.

2. The grievance of the learned counsel appearing for the Petitioner is that certain change reports are not being disposed of. That is not the subject matter of this Petition. It is for the Petitioner to apply before the concerned authority before which the said change reports are pending.

3. Subject to what is observed above, the Petition is rejected.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)