

WRIT PETITION No. 2333 of 2017.

Sanjay W. Ghodinde & Ors.Petitioners.
Vs
Manohar P. Terde & OrsRespondents.

Mrs. Gauri Jadhav for the Petitioners.
Mr. Suresh Warke i/by Indrayani M. Koparkar for
respondent Nos. 1 to 7.
Mr. O.M. Kulkarni, AAGP for the State.

**CORAM: NARESH H. PATIL &
SMT. BHARATI H.DANGRE, JJ
DATED : 7th July, 2017.**

P. C. :-

1) The petitioners challenge the order passed by the Assistant Charity Commissioner-III, Greater Mumbai Region, Mumbai in Application No. ACC-III/35/2015 dated 21st November, 2016. The learned Counsel for the petitioners submitted that the respondent Nos. 1 to 7 are claiming themselves as Trustees of the Trust known as “Kalan Samaj” (for short “the Trust”). The said Trust is not being administered properly and therefore necessary directions are required to be given to the Trust by the Charity Commissioner. She submitted that different Change Reports were filed which are pending for consideration before the Charity Commissioner. The learned Counsel for the petitioners

submitted that enquiry under Section 41A of the Maharashtra Public Trusts Act, 1950 ("the M.P.T. Act" for short) is already initiated.

2) The Counsel for the respondent Nos. 1 to 7 submitted that the application filed Under Section 41A of the M.P.T. Act is itself misconceived one. The respondent Nos. 1 to 7 are in-charge of the Managing Committee. They have also submitted the change report. The change reports are pending for consideration since 2009 onwards in respect of the subject Kalyan Samaj. The respondents are extending fullest cooperation to the Charity Commissioner in respect of the hearing in the proceedings of the change reports. The learned Counsel for the respondents submits that the petition being devoid of any merits, it be dismissed.

3) We have perused the record and considered the submissions advanced by the learned counsel for the parties. The Change Reports are pending before the Charity Commissioner. We expect that the concerned authority under the Maharashtra Public Trusts Act entrusted with the consideration of the change reports to look into the merits of the matter and take appropriate decision at the earliest. In the facts of the case and considering the prayers made by the petitioners in the application filed for seeking relief under section 41A of the Act by the petitioners, we are not inclined to

interfere in the matter. Keeping all issues on merits open, we dismiss the petition. It is accordingly dismissed.

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