

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAF) NO.123 OF 2017

IN

FIRST APPEAL NO.878 OF 2015

(Bharat Chandusingh Chavhan and others ..vs.. Joint Charity Commissioner, MHADA, Amravati and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. De, Advocate for the appellants,
Shri M.N. Ekre, A.G.P. for the respondent No.1,
Shri V.K. Paliwal, Advocate for the respondent No.2,
Shri V.B. Gawali, Advocate for the respondent No.3.

CORAM : Z.A. HAQ, J.

DATED : 18-01-2017

Heard.

The appellant No.1 has filed this application contending that pursuant to the order passed by this Court on 08-03-2016, the respondent No.3 has conducted the elections and eleven persons whose names are shown in document No.2 attached to this civil application are elected as trustees. The appellant No.1 prays that the respondent No.3 be directed to handover the charge of the public Trust to the newly elected executive body by declaring that period of the *ad hoc* body has come to an end. The learned Advocate for the appellant No.1, on query, has stated that the change report informing about the conduct of elections and the fact that eleven persons are elected as trustees is not filed. In my view, the filing of change report as per

Section 22 of the Maharashtra Public Trusts Act, 1950 is necessary as the authority under the Maharashtra Public Trusts Act, 1950 is competent to enquire into the validity of the election and record the change in Schedule-I of the public trusts register and persons whose names are recorded in Schedule-I of the public trusts register are responsible for administration of the public Trust. As the appellant No.1 or any other person competent to file change report has appropriate remedy available, this application is not entertained. It is rejected.

Pursis Stamp No.409/2017.

Seen the pursis/report of election proceedings.
No orders are required on it.

JUDGE

adgokar