

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 4058 OF 2017.**

(Abdul Quddus s/o Abdul Hamid, Washim & others .vs. The Jt. Charity
Commissioner, Amravati & others)

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

Court's or Judge's orders

Mr. R.L. Khapre, Advocate for petitioners,
Ms. A.R. Kulkarni, A.G.P. for respondent nos.1 & 2,
Mr. R.D. Karode, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI & ROHIT B. DEO, JJ.

DATED : JULY 4, 2017.

The number of change reports have been decided by Assistant Charity Commissioner. In Change Report Enquiry No. 540/15, change report has been rejected and this verdict is in favour of present petitioners. Grievance is, however, there a direction to members alive on the date of order whose names figure in Schedule IV to hold elections within three months has been issued and this direction under Section 41-A of Maharashtra Public Trusts Act is unwarranted as also arbitrary. The list of members is at Exh. 74 in Enquiry No. 102/09.

Mr. R.D. Karode, learned Advocate for respondent no.3, has pointed out that petitioners have filed an appeal under Section 70 of the Maharashtra Public Trusts Act before Joint Charity Commissioner and in it prayer for appropriate interim orders is also made. The prayer is to be considered on 7.7.2017.

Mr. R.L. Khapre, learned Advocate for petitioners,

submitted that such a direction could have been issued only in circumstances which fall under Section 22 if such a change was desired by Assistant Charity Commissioner or then in contingencies stipulated under Section 41-A of the Act.

Change report submitted by petitioners pertaining to elections conducted in 2006 has been accepted. Petitioners, therefore, are entitled to administer the Trust.

We find that all these contentions can be raised before Appellate Forum.

Mr. R.L. Khapre, learned Advocate for petitioners, further submits that Appellate Forum has not considered controversy and matter is being adjourned on account of some difficulties. He submits that period of three months given by Assistant Charity Commissioner is to expire shortly.

In this situation, though Mr. R.D. Karode, learned Advocate for respondent no.3, is strongly opposing any intervention, we direct the parties to continue status-quo prevailing today in so far as said direction to hold elections is concerned. This direction issued by this Court will remain in force for a period of four weeks from 7.7.2017. The Appellate Forum shall in the meanwhile pass suitable orders on prayers for interim relief in pending Appeal.

Needless to mention that all rival contentions in relation to nature of impugned direction and scope of power are kept open and can be looked into at appropriate juncture.

Accordingly, we dispose of Writ Petition. No costs.

Judge

Judge

J.