

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1059 WRIT PETITION NO. 4201 OF 2018

JOHNSON WILLIAM SHAKESPEARAND OTHERS
VERSUS
REV DR SANNY PANDIRTRAO MIAL AND ANOTHER

...
Advocate for Petitioners : Mrs. M.S. Mhase/Thube for Mr.
Lex Aquila
Advocate for Respondent Nos 1 & 2 : Mr. Shinde Shrikishan
S.
...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JULY 27, 2018

O R D E R :

Mrs. Mhase, learned counsel for the petitioners submits that term of the petitioners as Trustees is up to 24.10.2018. The impugned order is passed by the Joint Charity Commissioner without providing proper opportunity to the petitioners. According to the learned counsel, on wrong premise the impugned order is passed, even the term of the petitioners is not allowed to be completed.

2. Mr. Shinde, learned counsel for respondent Nos. 1 and 2 submits that petitioners were issued notices of the proceedings under Section 41A of the Maharashtra Public Trust Act, 1950. Notices were served. The petitioners chose to remain absent.

3. The petitioners term is over long back. The petitioners are not allowing other members to function. Considering all these aspects the decision has been taken under section 41A of the Maharashtra Public Trust Act, 1950.

4. It is incorrect on the part of the petitioners to contend that their terms is up to October, 2018.

5. We have considered the submissions canvassed by respective parties.

6. Under impugned order, the Joint Charity Commissioner has directed the elections of the Ahmednagar Pahili Mandali (Congregation), Ahmednagar to be held by appointing Mr. P.M.Andhale, Inspector as an Election Officer.

7. It is a fact that petitioners did not appear in the proceedings under Section 41A of the Maharashtra Public Trust Act, 1950 and could not put forth their stand.

8. We had asked the learned counsel of respective parties, whether any of the parties would have any objection if the elections are held after 24.10.2018. The learned counsel for the respective parties, on instructions of the respective litigants, state that let the elections be held after 24.10.2018.

9. In view of that we need not dilate on merits of the contentions of either of the parties. The elections shall be held as per the impugned order by appointing Mr. P.M. Andhale, Inspector as an Election Officer after 25.10.2018.

10. With these observations, writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

mahajansb/