

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8322 OF 2018
(Kishan Prasad Tandon (deceased) Vs. The State of Maharashtra and
others)

Mr.S.C.Arora, Advocate for the applicant.
Mr.K.S.Patil, AGP for respondent Nos. 1 and 2.
Mr.S.P.Pandav h/f Mr.Y.V.Kakade, Advocate for respondent Nos. 3 to 6.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/10/2018

PER COURT :

1. By this application, one Mr.Subhashchandra s/o Surajprasad Mehra, claims to be a trustee of "Sangat Swami Jwaladas Maharaj Trust". WP St.No.10130/2018 is pending. The earlier Secretary Kishan Prasad Tandon passed away. The petition was preferred through a trustee Mr.Chotelal Puransing Arora, who has also passed away.

2. Issue is as to who could be said to legally represent the Trust in the writ petition before this Court. The respondents are opposing this application alleging that Subhashchandra is not a member of the Trust, he cannot represent the Trust and he is not competent to be the petitioner. It is further submitted that by judgment and order dated 30/07/2016, the Assistant Charity Commissioner,

Aurangabad has rejected the change report in Enquiry No.259/2013 which was filed by the reporting trustee Chotelal, now deceased. The Appeal of the reporting trustee is pending before the Joint Charity Commissioner, Aurangabad.

3. I find that disputed issues as to whether Subhashchandra is a member of the Trust or whether he is a trustee or whether a resolution has been legally passed in his favour, etc. Such issues cannot be dealt with in the writ jurisdiction of this Court.

4. When the appeal of the Trust is pending before the Joint Charity Commissioner in relation to the change report, it would be appropriate for this applicant to approach the said authority for an interim arrangement so that the interest of the Trust would be secured and an authorized person would represent the Trust in the writ petition.

5. With the above directions, this application is disposed of.

(Ravindra V.Ghuge, J.)