

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

**CIVIL APPLICATION NO. 9256 OF 2018
IN FA/2100/2018**

Shivraj S/o Madolappa Utage
and another

... Applicants.

Versus

The Joint Charity Commissioner,
Latur, Dist. Latur and others

... Respondents.

...

Mr. Girish L. Awale, Advocate for Applicants.
Mr. A.M. Phule, AGP for Respondent No.1.
V D Salunke, Advocate for Respondent No.2 and 3.

....

CORAM : V.L. ACHLIYA, J.

DATED : 13th AUGUST, 2018

PER COURT:-

1. For the reasons recorded separately, the following order is passed:

ORDER

[i] Pending disposal of the appeal, the effect and operation of clause 1 to 4 of the impugned order dated 29.05.2018 passed in Inquiry Appeal No.75/2017 by Joint Charity Commissioner, Latur is stayed

[ii] The Assistant Charity Commissioner, Latur is directed to hear and decide all the change reports filed in respect of "Shri Mahant Swami Shikshan Prasarak Mandal, Ausa" as expeditiously as possible and in any event on or before 15.10.2018.

[iii] Pending the hearing and disposal of change reports, by way of interim arrangement, the Assistant Charity Commissioner may consider to appoint any fit person or persons to look after the day to day affairs of "Shri Mahant Swami Shikshan Prasarak Mandal, Ausa". While appointing such person or persons, the Assistant Charity Commissioner shall ensure that such person or persons appointed shall not take any major policy or financial decision without prior approval from the Assistant Charity Commissioner.

[iv] On conclusion of enquiry, if the Assistant Charity Commissioner comes to conclusion that none of the change has occurred in terms of procedure prescribed under the scheme of the trust, then to avoid the future disputes, the Assistant Charity Commissioner may consider :

(a) to pass appropriate order as to finalisation of up to date list of the members of the trust i.e. (i) founder members, (ii) life members, (iii) patron members, (iv) general members in terms of the scheme of the Act and ;

(b) to appoint some neutral person to act as an Election officer and to conduct the election to constitute the Board of Directors (विश्वस्त मंडळ) of said trust strictly in terms of the scheme of the Trust.

[v] The compliance of the directions be reported to this Court on or before 30.10.2018.

[vi] The Registrar (Judicial) is directed to forward the copy of the order for compliance to the Assistant Charity Commissioner, Latur.

[vii] The Civil Application stands disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

SPR