

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9933 OF 2018
(Yogesh Kesharlal Manudhane and others Vs. Manoj s/o
Ghanashyam Birla and others)

Mr.R.R.Sancheti h/f Mr.R.R.Kakani, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2018

PER COURT :

1. The petitioner is aggrieved by clause 2 of the order dated 20/06/2018 passed by the Deputy Charity Commissioner, Jalgaon in Change Report Inquiry Proceeding No.1515/2014 which reads as under :-

“2. The Managing Committee mentioned in the Change Report Exh.1 in the column of incoming trustees shall be recorded as ‘De-facto’ trustees in the Sch-1 of the trust.”

2. I have heard the strenuous submissions of the learned Advocates for the petitioners. I have gone through the grounds for challenge formulated in the memo of the petition.

3. By the impugned order dated 20/06/2018, the Deputy Charity Commissioner has rejected the change report at Exh.1.

Consequentially, he has noted that those trustees who claimed to be elected and were subject matter of the charge report had been administering the Trust from 2014 till 2018 for 4 years. Reliance is placed on the judgment of this court in the matter of Hislop Education Society Vs. Presiding Officer, University College Tribunal and others [2009(6) Mh.L.J.419] to conclude that when persons claiming to be the office bearers of a Trust and were managing the administration, will have to be entered in Schedule I as the *de-facto* trustees, as the charge report is rejected.

4. In the instant case, none of the members of the Managing Committee were elected. A meeting of the members was called by the earlier Managing Committee and 14 persons were declared to be elected. The Deputy Charity Commissioner did not notice any general body meeting or elections by virtue of which the persons administering the Trust could be termed as being elected office bearers. It is in this backdrop that the said Managing Committee of the trustees were therefore directed to be mentioned as *de-facto* trustees in Schedule I.

5. I do not find that the impugned order could be termed as being

perverse or erroneous or grossly unsustainable.

6. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)

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