

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

WRIT PETITION NO. 12553 OF 2018

Ram S/o Abarao Mohite

... Petitioner

Versus

The Returning Officer,

The Maharashtra State Kabaddi Association,

Mumbai and others

... Respondents

Mr. H.V. Tungar, Advocate for petitioner

Mr S.B. Pulkundwar, Asstt. Govt. Pleader for respondent No.7

Coram : N.M. Jamdar, J.

Date : 19 November 2018.

ORAL ORDER:

1. Heard learned Counsel for the petitioner.

2. The main contention of the petitioner is that ,respondent No.4 in violation of the by-laws of the Maharashtra State *Kabaddi* Association, more particularly, Clause 6-A in respect of Election code, has sent three names of district representatives have been sent. It is the contention of the petitioner that these three persons are not members

of the executive committee nor their names have been sent with the signature of the petitioner, stated to be Secretary of the Association.

3. It appears that several change reports are pending before the Assistant Charity Commissioner, Beed, and orders also have been passed. In fact, petitioner relies on such an order, which is dated 31 May 2018. According to the petitioner, the Assistant Charity Commissioner, Beed, has directed that the committee, which is shown in Schedule – 1, should function as the committee of the Association.

4. Considering the fact that the *inter-se* dispute in the trust is pending before the Assistant Charity Commissioner and it is one of the contentions of the petitioner that the action of respondents No. 4, 5 and 6 in sending three names of the district representatives is in violation of order of the Assistant Charity Commissioner, it would be appropriate that the petitioner should bring his grievance to the notice of the Assistant Charity Commissioner, Beed, at the first instance.

5. Learned counsel for petitioner states that the petitioner will accordingly make an application to the learned Assistant Charity Commissioner.

6. Though I am not inclined to grant any relief staying the process of election, considering the nature of the grievance, the learned Assistant Charity Commissioner will decide the application expeditiously and the outcome of the election as regards the three names which have been sent by the Association, will be subject to outcome of the proceedings to be instituted by the petitioner before the Assistant Charity Commissioner. This direction would apply only if the petitioner will apply to the learned Assistant Charity Commissioner only within a period of one week from today. It is made clear that the petitioner has remedy to challenge the order, if any, in the competent Court, which liberty is kept open.

7. Leave to amend to add the Assistant Charity Commissioner, Beed, as party respondent. Amendment to be carried out immediately.

8. The learned Assistant Government Pleader waives service on behalf of the Assistant Charity Commissioner, Beed.

N.M. Jamdar, J.