IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10127 OF 2011

Hanumant Kashinath Pawar & Ors. ..**Petitioners**
Vs.
Satara Education Society, Satara & Ors. ..**Respondents**

Mr.V.S. Kapse for the Petitioners.
Mrs.Rupali M. Shinde, AGP for the State/Respondent Nos.2 to 4.
Mr.Amol Gatane I/by Shri S.B. Deshmukh, for Respondent No.1.

CORAM :R. M. SAVANT, &
K.K. SONAWANE ,JJ
DATE : 27th AUGUST, 2018

P.C.

1 The above Writ Petition takes exception to the report dated 24th May 2011. The above Writ Petition also takes an exception to the order dated 17th October 2011 passed by the Assistant Charity Commissioner and communication dated 20th October 2011 addressed by the Superintendent of the Public Trusts, Satara Division to the Chairman of the Respondent No.1 herein.

2 The Petitioners herein are the members of the Respondent No.1 which runs educational institutions in Satara District. The Petitioners vide their application dated 29th July 2010 addressed to the Assistant Charity Commissioner made a grievance as regards the functioning of the Trust in question. The Petitioners grievance was founded on the facts/instances which

have been tabulated from Item Nos.1 to 7, in the said letter dated 29th July 2010. The said facts/instances revolve around the alleged non-holding of the Annual General Meetings of the Respondent No.1 Trust, the allegation in respect of enrollment of 200 persons as the members of the Trust, so as to ensure that the incumbent management continues to be in charge of the Trust, the manner in which the bank account has been operated, as also the fact that the President of the Trust was attending the Managing Committee meetings of the Trust in question though as per the Scheme of the Trust, was not required to do so.

3 Upon receipt of the said application, an enquiry was conducted by the Assistant Charity Commissioner through an Inspector. The Inspector submitted his report which is dated 24th May 2011 and which has been forwarded to the Assistant Charity Commissioner through the Superintendent of the said Office. The said report mentions certain irregularities which have occurred in the functioning and management of the Trust in question. It is not necessary to refer to in detail the findings of the Inspector. The said report was taken into consideration by the Assistant Charity Commissioner, who has thereafter passed an order dated 17th October 2011 issuing directions to the Management of the Respondent No.1 Trust as regards functioning of the management of the said Trust. It is mentioned in the said order that the report submitted by the Inspector has been partly accepted. The directions issued are to the effect

that the Trustees of the Trust were to conduct the management of the Trust as per the Constitution of the Trust. They were directed to hold the Annual General Meetings. The lacunas in the membership register were directed to be corrected and that the bank accounts were directed to be operated as contemplated by the legally authorized persons. The aforesaid directions were the directions amongst other directions issued by the Assistant Charity Commissioner. Thereafter, a communication dated 20th October 2011, has been addressed by the Assistant Charity Commissioner to the Chairman of the Respondent No.1 Trust. As indicated above, the said directions have been issued as long back as on 17th October 2011 and it was therefore presumed that the said directions might have been complied with during the interregnum period.

4 In our view, the proceedings which were initiated pursuant to the letter of the petitioner are referable to Section 41A of the Maharashtra Public Trust Act, wherein, the Assistant Charity Commissioner is empowered to issue directions for the better management of the Trust. Having regard to the nature of the directions issued and the period which has elapsed since their issuance, we do not find this a fit case to exercise our writ jurisdiction. The Writ Petition is accordingly dismissed.

[K.K. SONAWANE, J] **[R.M.SAVANT, J]**