

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

WRIT PETITION NO.1733 OF 2019

PARVATIBAI DIGAMBARAO DESHPANDE AND OTHERS

VERSUS

BALKRISHAN RAMKARANJI BAHETI AND OTHERS

Mr. P.G. Deshmukh, Advocate h/f Mr. Anand D. Kawre,
Advocate for the petitioners

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 28.02.2019

P.C. :-

1. Heard learned counsel for the petitioners.
2. At the outset Mr. Deshmukh orally prays for amendment to the petition. It is submitted before us by the learned counsel that the petitioners are approaching this Court with a limited grievance and consequent prayer is prayer clause (A) but for inadvertence the copy of the application submitted to the Competent Authority, namely, the learned Assistant Charity Commissioner, Aurangabad is not placed on record. Mr. Deshmukh, thus, orally prays for the amendment to the petition by placing on record the copy of the application. This being the formal prayer and no prejudice is going to cost the respondents. The oral prayer is allowed. The necessary amendment be carried out forthwith.
3. Considering the grievance raised in the petition and submitted through the learned counsel we are of the opinion that the petition can be disposed of at the admission stage itself. It may not be necessary for us to refer to the contentions raised in the petition in detailed. Suffice to say that the petitioners are claiming

to be the Member of Executive Committee of Public Trust duly registered under the provisions of law and more particularly by the provisions of Maharashtra Public Trust Act 1950. It seems that there are certain earlier proceedings also before the authority which a resulted in approaching this Court by filing Second Appeal No. 571/2008. The petitioners submitted an application to the learned Assistant Charity Commissioner, Aurangabad on 03.10.2017 with a prayer to hold elections of the Managing Committee. Submission is the application is pending for a considerable long period. Mr. Deshmukh was justified in submitting that holding elections would be the democratic way for administrating the affairs of trust and to achieve that object it would be in the interest of parties to have the directions and then early elections if the learned Assistant Charity Commissioner, Aurangabad is inconvenienced of the merits of the application. We find merit in the submission of the learned counsel Mr. Deshmukh. Accordingly, the petition is disposed of with directions to learned Assistant Charity Commissioner, Aurangabad to decide the application i.e. Inquiry No.148 of 2017 submitted to him on 03.10.2017 as expeditiously as possible and not later than ten (10) weeks from the date of order of this Court.

4. With the above directions, the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]