

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5077 OF 2019

(Prakash s/o Lalchand Mugdhiya Vs. Assistant Charity
Commissioner, Aurangabad and others)

WITH

WRIT PETITION NO.5078 OF 2019

Mr.N.S.Tekale, Advocate for the petitioner.
Mr.S.W.Munde, AGP for State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/04/2019

PER COURT :

1. In the first petition, the petitioner has challenged the order of the Assistant Charity Commissioner-1, Aurangabad dated 07/12/2018 by which an election was directed to be conducted from amongst the valid voters as per the rules and bylaws of the trust, within 3 months. The period within which the elections were to be held, has expired on 07/03/2019.

2. Considering the above and since it is informed that the election programme has been published, that I am not inclined to entertain this petition. The same is, therefore, dismissed.

3. In the second petition, the same petitioner has challenged the preliminary voters' list published by the Chief Election Officer and his order dated 16/04/2019 by which he has rejected the objections raised by the petitioner with regard to the inclusion of the voters.

4. Though the learned Advocate for the petitioner has strenuously canvassed that the inclusion of several voters is illegal, the impugned order indicates that the provisional voters' list is prepared as per the record maintained under clause 5(4) of the Constitution of the Trust. So also, eventually, after the elections are conducted, the returning trustee is bound to submit the change report and whether membership was rightly accorded to the disputed members or otherwise, would be a subject matter of the enquiry before the Assistant Charity Commissioner.

5. In view of the above, the second petition is not being entertained and stands dismissed, leaving open to the petitioner to take recourse to a remedy as is permissible in law, after the change report is tendered before the competent authority, post elections.

(Ravindra V.Ghuge, J.)