

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

WRIT PETITION NO. 7079 OF 2019

**SHASHIKUMAR SHAMRAO CHAUDHARI
VERSUS
VIJAYKUMAR SAVLARAM SHASTRI AND OTHERS**

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Advocate for the Petitioner : Shri V. J. Dhage

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th JUNE, 2019.

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PER COURT :

1. This matter was extensively on 14/06/2019 and posted for this date to enable the petitioner to take instructions. It is submitted today that the petitioner prays for an order in this petition.

2. The petitioner is aggrieved by the order passed by the Deputy Charity Commissioner, Aurangabad dated 07/02/2019, by which, though the application of the petitioner Exhibit 20 has been disposed off, he has been granted liberty to move a proper application raising all objections and the said application would be considered along with the pending

enquiry No. 19/2018.

3. The grievance of the petitioner is that the respondents are not the members of the society Madhyawarti Marathwada Mahila Shikshan Samiti, Aurangabad. Since none of them are members of the said trust, they could not have sought framing of a scheme and its implementation. When the two applicants and five respondents are not members of the trust, they would not derive any authority or play any role in the framing of a scheme for the administration of the said trust.

4. It is further stated that the trustees of the said trust are mentioned in paragraph 2 of the impugned order. The learned Deputy Charity Commissioner should have considered the circumstances set out by the petitioner in application Exhibit 20 before passing the impugned order.

5. Considering the submissions of the petitioner and upon perusing the petition paper book, disputed questions have been raised by the petitioner as to whether the two applicants and the five respondents in Enquiry No.19/2018 are the trustees of

the said trust. The proceedings are pending before the learned Deputy Charity Commissioner. Merely on the contention of the petitioner, persons who are posing to be trustees, cannot be held to be unconnected with the trust and surely not under the supervisory jurisdiction of this Court in the face of pending proceedings.

6. In my view, the interest of the petitioner is sufficiently safeguarded by the learned Deputy Charity Commissioner by holding that the petitioner is at liberty to prepare an independent objection application and place the same before the concerned authority which would consider the said application while dealing with enquiry No.19/2018.

7. As such, I do not find that the impugned order could be branded as being perverse or erroneous or likely to cause gross injustice to the petitioner. Hence, this petition, being devoid of merit, is dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-