

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

WRIT PETITION NO. 5651 OF 2019

Dhanaji Dattatraya Anande .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ankush N. Nagargoje, Advocate for the Petitioner.

Shri S. N. Morampalle, A.G.P. for Respondent Nos. 1 to 4.

Shri Suhas P. Urgunde, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 30TH JULY, 2019.

FINAL ORDER :

. We have heard Mr. Nagargoje, the learned advocate for the petitioner and Mr. Urgunde, the learned advocate for the respondent No. 5.

2. According to Mr. Nagargoje, the learned counsel for the petitioner, though the change report of the petitioner is rejected and the appeal is dismissed, the writ petition is still pending. The procedure has not at all been followed while passing the impugned order. Even the petitioner was not heard.

3. Mr. Urgunde, the learned counsel for the respondent No. 5 submits that, change report of the petitioner is rejected. During

the pendency of appeal fit person was appointed to manage the trust.

4. It is not disputed that, the change report proceeding filed by the petitioner has been rejected. Appeal is dismissed. Though it is submitted that, writ petition is filed no interim orders are passed in favour of the petitioner.

5. We are not entering into procedural irregularity. Even if respondent had sought directions for allowing him to manage the trust, same has not been accepted by the Joint Charity Commissioner. In the impugned order he has directed election to be conducted and for that purpose has appointed Election Officer.

6. Mr. Nagargoje, the learned counsel submits that, there are only 457 valid voters. The election is to be held amongst these valid voters. It is for the election officer to decide the valid voters. If petitioner or any party raises an objection to the voter's list, said objection certainly has to be considered by the election officer.

7. With these observations the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]