

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

WRIT PETITION NO. 6745 OF 2019

Yadnyeshwar Ratikant Kulkarni .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Nikhil S. Tekale, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for the Respondent No. 1.

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

DATE : 11TH JUNE, 2019.

FINAL ORDER :

. Mr. Tekale, the learned advocate for the petitioner submits that, the respondent No. 3 has been appointed as Secretary of the trust under Section 41-A of the Maharashtra Public Trust Act. The order is passed without hearing the petitioner and without notice to the petitioner. The petitioner has filed complaints and those complaints were taken up as *suo motu* proceeding by the Joint Charity Commissioner. The respondent No. 3 is appointed for better administration of the trust. The respondent No. 3 is full time employee. It would not be possible for the respondent No. 3 to devote time for the administration of the trust.

2. The learned Assistant Government Pleader accepts notice for the respondent No. 1.

3. The proceeding U/Sec. 41-A of the Trust Act is *suo motu* proceeding initiated by the Joint Charity Commissioner may be upon the complaints of the petitioner. However, there are no allegations about the integrity and character against the respondent No. 3. It will be too premature at this stage to hold that the respondent No. 3 would not be in a position to administer the trust. It is only during the course of time said fact can be viewed. The petitioner may if occasion so arises raise objection before the Joint Charity Commissioner in that regard.

4. In view of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19