

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

44 WRIT PETITION NO.8241 OF 2018

BHAGWAN SHIKSHAN PRASARAK MANDA THROUGH ITS
PRESIDENT NARAYAN SHRIMANTRAO MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr Thombre S.s.
AGP for Respondents State: Mr A R Kale
Advocate for Respondent No.3 : Mr. Shailendra S.
Gangakhedkar

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15th April, 2019

PER COURT :

1. Mr. Thombre, the learned Advocate for the petitioner submits that the Bank Accounts are operated by the President Mr. Narayan Munde and the Principal of the Institution. However, Respondents 3 and 4 Banks are not allowing them to operate the Bank Account and that is creating difficulty. All other branches of the Banks are allowing the President and Principal to operate the Bank Account. Only on the basis of one false complaint, the respondents are not allowing them to operate the Bank Account. The Court, has time and again observed that the President Shri Narayan Munde is controlling the Institution. The said observation is

also made by this Court in Writ Petition No.1065/2016 under order dated 1st March, 2017.

2. The learned counsel for respondent Nos. 3 and 4 submits that that Additional Charity Commissioner has not given Instructions in a specific manner. The objection was received.

3. It would appear that change reports are pending, such as Change Report No. 793/2014,324/12, 622/2013. It would be appropriate to direct the A.C.C. where the change reports are pending to provisionally decide the person who would be managing the Trust as per the amended Proviso to Section 22(1) of the Maharashtra Public Trusts Act. The same shall be decided within a period of 15 days from the receipt of writ or communication of this order by the party concerned.

4. Pursuant to the provisional decision taken by the ACC, the Bank shall allow operation of the Account by the person whom the ACC holds to be provisionally eligible to manage the Trust. The ACC shall scrupulously adhere to the time stipulation under

proviso to Section 22(1) of the Maharashtra Public Trusts Act.

5. The ACC also shall, if some objection is received, decide it within three months as stipulated under the proviso of Section 22(1) of the Maharashtra Public Trust Act.

6. Writ petition is disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC