

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

WRIT PETITION NO. 7070 OF 2018

Vyankati s/o Narayanrao Barlewad and Ors.
...PETITIONERS

VERSUS

Niraj s/o Deorao Tatewar

...RESPONDENT

.....
Mr A.S. Shelke , Advocate for petitioners
Mr. V.D. Gunale, Advocate for Respondent sole
.....

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

DATED : 23rd January, 2019

ORAL ORDER :

1. The petitioners assail the order passed under Section 14-A of the Maharashtra Public Trusts Act.
2. We have heard Mr. Shelke, the learned Counsel for the petitioners and Mr. Gunale, the learned Counsel for the respondent. It appears that in view of the pendency of the change reports and rejection of the earlier change reports, the arrangement has been made under the impugned order by the Assistant Charity Commissioner.
3. It is not disputed by the petitioners and respondent that

two change reports are pending with the Assistant Charity Commissioner. The Assistant Charity Commissioner ought to have considered proviso to section 22 (2) (b) of the M.P.T Act, which reads thus -

“ Provided that, in the case of change in the names and addresses of the trustees and the managers or the mode of succession to the office of the trusteeship and managership, the Deputy or Assistant Charity Commissioner may pass order provisionally accepting the change within period of fifteen working days and issue a notice inviting objections to such change within thirty days from the date of publication of such notice.

Provided further that, if no such objections are received within the said period of thirty days, the order accepting the change provisionally under the first proviso shall become final and entry thereof shall be taken in the register kept under section 17 in the prescribed manner:

Provided also that, if objections are received within the said period of thirty days, the Deputy or Assistant Charity Commissioner may hold an enquiry in the prescribed manner and record a finding, as provided by sub-section (3) of this section, within three months from the date of final objections,”

4. The parties are before us.

5. Considering the aforesaid provision, the parties shall appear before the learned Assistant Charity Commissioner, Nanded on 11th February, 2019. The Assistant Charity Commissioner shall take decision as required under proviso to Section 22 (2) (b) of the M.P.T. Act within a period of 15 days from the date of appearance with regard to the provisional acceptance of the change. Till the time, the Assistant Charity Commissioner takes a decision under proviso to sub section (2)(b) of Section 22 of the M.P.T. Act, the arrangement made by interim order shall be continued. The parties would be governed by the order that would be passed by the Assistant Charity Commissioner under proviso to Section 22 (2) (b) of M.P.T. Act.

6. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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