

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

WRIT PETITION NO. 8491 OF 2018

Rambhau Namdevrao Kamble
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. D. Hiwrekar, Advocate for Petitioners.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

Shri Sudhir K. Chavan, Advocate for Respondent Nos. 2 and 3.

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

DATE : 22ND JANUARY, 2019.

FINAL ORDER :

. The petition is filed seeking directions to disburse the grant in aid so as to properly run the hostel. The amounts are in the nature of hostel rent and other expenses.

2. Mr. Chavan, the learned counsel for respondent Nos. 2 and 3 submits that, information was sought from the Assistant Charity Commissioner whether the dispute is pending or not. The Assistant Charity Commissioner opined that the change reports in respect of governing body are rejected. The names of the founder trustees are in Schedule I of the trust. The defacto

trustees of the trust that is founder trustees are only legally entitled to administer day today administration of the trust and to receive amount if it is related to day to day administration of the trust till new governing body's entry is taken on Schedule - I. As far as hostel rent is concerned, the respondents may pay lessor amount of grant towards rent by account payee cheque. The other amounts of grant may be deposited in the account of the trust. The same shall be operated only after obtaining permission of the Assistant Charity Commissioner by the Trustees. Till the permission is sought from the A. C. C., the amount deposited by the respondent No. 3 shall not be used.

3. The writ petition accordingly is disposed of. No costs. The petitioners shall give the bank details of the lessor of petitioners to the respondent authority. The same shall be under the signature of the lessor of petitioners.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19