

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

WRIT PETITION NO. 5881 OF 2019

**THE JALGAON DISTRICT MEDICINES DEALERS
ASSOCIATION, JALGAON AND OTHERS
VERSUS
DEEPAK GAJANAN JOSHI AND OTHER**

Mr. V. B. Patil, Advocate for the petitioners.

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

DATED : 26th JUNE, 2019.

PER COURT:-

1. The order passed by the Assistant Charity Commissioner directing the petitioners to provide inspection of the Trust record to the members of the Trust is assailed.

2. Mr. Patil, learned Counsel submits that the Assistant Charity Commissioner ought not to have passed the order invoking powers under section 41-A of the Maharashtra Public Trust Act. (for short M. P. T. Act). According to the learned Counsel the record is sought to be inspected. The reason for inspection is also not mentioned. The said inspection of the record is not in the interest of the Trust.

3. Under Section 41-A of the M. P. T. Act, the Assistant Charity

Commissioner exercises administrative powers. It is either a member of the Trust or person connected with the Trust allowed to inspect the record of the Trust. The members of the Trust certainly will have right to inspect the record. We see no reason for the petitioners to challenge the order allowing the members to inspect the Trust record.

4. The learned Assistant Charity Commissioner has not committed any error in passing the impugned order. Moreover, it appears that, the impugned order is passed one year back, still the inspection it appears has not been allowed.

5. In view of the above, we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India.

6. The Writ Petition, as such is dismissed. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.