

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 WRIT PETITION NO.5202 OF 2014

RAMCHANDRA RANGNATH PATIL AND OTHERS
VERSUS
THE ASSISTANT CHARITY COMMISSIONER,
OSMANABAD REGION AND ANOTHER

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Advocate for Petitioners : Mr. Akash Gade, h/f Mr. Sudarshan J. Salunke.
AGP for Respondents: Mr. P. N. Kutti.

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CORAM : **T. V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATE : 10th January, 2019.

P.C.:

. Heard the learned counsel for Petitioners. Seen the order under challenge. The challenge is to the direction given by the Assistant Charity Commissioner to hold general body meeting for enrollment of members and also for new election of Managing Committee. The submissions made show that the direction was given for new election under Section 41-A of the Bombay Public Trust Act on application dated 16th December, 2005. Submissions made show that Respondent No.2's group held election and change report was submitted. Submission was made that similarly, the Petitioners also held election and change report was filed. The change report of Petitioners was rejected by the Assistant Charity Commissioner, but

the change report filed by Respondent No.2 was accepted. Submission was made that the order of the Assistant Charity Commissioner was challenged in appeal and the appeal of the present Petitioners is allowed and the change report filed by Respondent No.2 is rejected. The submissions made show that as yet there is no change report, which is accepted by the Assistant Charity Commissioner. The submissions made show that only five persons, who are shown in Schedule-I, memorandum of association as the founder members of the trust are alive and remaining are dead. In view of these circumstances, it is open to both the sides to approach the Assistant Charity Commissioner for appropriate order and nothing can be done in the present petition. The petition is disposed of as infructuous.

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]

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