

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

34 WRIT PETITION NO.12533 OF 2019

SHIVRAJ VISHWANATHRAO KARADKHELE
VERSUS
BALASAHEB GOVINDRAO PATIL

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Advocate for Petitioner : Mr. S. S. Thombre

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 14th OCTOBER, 2019.

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PER COURT :

1. The petitioner is aggrieved by the order dated 23.08.2019 passed by the learned Assistant Charity Commissioner, by which his application Exhibit-19 seeking a declaration that the change report is not valid and should not be provisionally accepted and the order dated 24.09.2018 passed in Enquiry No. 5711 of 2018 be recalled, has been rejected.

2. The learned advocate for the petitioner has strenuously criticized the impugned order. He has drawn my attention to the grounds formulated in the memo of the petition. He submits that the order dated

24.09.2018 passed by the authority below, deserves to be recalled. When there are multiple change reports pending, the authority cannot consider the first change report going by the timing of the filing of such change report. In short, he submits that merely because a particular change report was filed first in point of time, does not mean that change report alone should be taken up for granting provisional acceptance.

3. Notwithstanding the strenuous contentions of the learned advocate for the petitioner, I find that the authority below has recorded in paragraph No.3 that the change reports are pending and they would be decided on their merits. All the objections of the petitioner would be considered while deciding the fate of the said change reports.

4. In view of above, this petition is disposed off with the observation that when the authority below deals with the said change reports, it would consider all objections putforth by the various litigating parties

including the objection as to which change report should be taken up first for granting provisional acceptance.

5. It is pointed out that the change reports are pending from 2017-2018 and the authority below should decide the said proceedings within a time framed. In the backdrop of this submission, the learned authority dealing with all these matters is at liberty to decide these change reports expeditiously, in view of the recommendation in Section 22 of the Maharashtra Public Trusts Act.

(RAVINDRA V. GHUGE, J.)

vsm/-