

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

52 WRIT PETITION NO.12504 OF 2018
WITH
CA/1051/2019
IN
WP/12504/2018

JAMNER TALUKA EDUCATION SOCIETY
JAMNER THROUGH PRESIDENT PARAS
ZUMBARLAL LALWANI

VERSUS

JALGAON DISTRICT CENTRAL CO OPERATIVE
BANK LTD THROUGH BRANCH MANAGER
JAMNER AND ANR.

.....

Mr. Sachin S.Deshmukh, Advocate for petitioner.
Mr. V.D.Salunke, Advocate for R – 1.
Mr. S.P.Shah, Advocate for R – 2.
Mrs. A.V.Gondhalekar, AGP for R – 3.

.....

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

DATE : 05/03/2019

.....

ORAL ORDER:

. Mr. Deshmukh, learned counsel for the petitioner submits that the letter dated 02/11/2018 issued by the bank is in-fact under the dictation of rival group. The bank ought not to have issued such letter. It is beyond its power.

2. We have also heard learned counsel for respondent No. 2 and the learned counsel for intervener.

3. It is submitted that the change report filed by the petitioner bearing Enquiry No. 1506/2018 is pending and the change report proceeding filed by the intervener bearing No. 1564/2018 is also pending and the learned Dy. Charity Commissioner has not taken any decision upon it.

4. In-fact, Dy. Charity Commissioner has to resort to Section 22 (2) (b) of the Maharashtra Public Trusts Act [for short, 'said Act'] and proviso therein. The proviso to sub section (2) of section 22 of the said Act, as amended, 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 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 filing objections.”

5. Considering the above, Dy. Charity Commissioner shall take decision pursuant thereto and within the time stipulated therein. Pursuant to the decision taken by the Dy. Charity Commissioner as observed supra, further steps be taken by the bank also. The parties may appear before the learned Dy. Charity Commissioner, Jalgaon on 18/03/2019.

6. Writ Petition accordingly disposed of. No costs.

[A.M.DHAHALE]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

KNP.