

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1065/2019

Vilas Y. Mahalle
..VS..
ACC & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.A. Kadu, Advocate for the petitioner
Shri A.J. Gilda, Advocate for the respondent no. 2
Ms. Geeta Tiwari, AGP for the respondent/State

CORAM : Z.A.HAQ, J.
DATED : 26/06/2019

Heard.

In the proceedings filed by the respondent no. 2 under Section 22 of the Maharashtra Public Trusts Act 1950, the petitioner had filed an application (Exh. 16) praying that he be permitted to participate in the proceedings as objector. The learned Assistant Charity Commissioner has dismissed this application by the impugned order, recording that the petitioner has not been able to prima facie establish that he is a “person having interest” in the public trust as contemplated by Section 2 (10) of the Act of 1950.

According to the petitioner, he is inducted as life member alongwith 29 others in the meeting of the general body held on 27/06/2010.

The facts on record show that crime is registered against the petitioner for the offences punishable under Sections 464, 471, 472 and Section 34 of the Indian Penal Code on the allegations that the resolution dated 27/06/2010 is fabricated. The petitioner had filed change report (Enquiry No. 116/2010) requesting the Assistant Charity Commissioner to record the change in Schedule – I of the public trust register. The petitioner had requested that the names of the members of the executive committee elected in the meeting of the general body alleged to have been held on 07/02/2013, be recorded. This change report is dismissed by the learned Assistant Charity Commissioner by the order dated 20/04/2019, recording that inspite of the fact that several opportunities were granted to the petitioner, he has failed to adduce any evidence in support of the change report.

The facts on record show that the petitioner is attempting to foist himself on the trust illegally and by unfair means. There is nothing on record on the basis of which it can be said that prima facie, the petitioner falls in the category of “person having interest” in the public trust. The learned Assistant Charity Commissioner has rightly appreciated the facts on record. The impugned order does not suffer from any illegality or perversity which necessitates interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE