

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2701/2019

(JAFAR HUSSAIN AJGAR HUSSAIN **VERSUS** HON'BLE JT.C.C. AMRAVATI & OTHERS)

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

Court's or Judge's orders

Shri N.S. Bhelkar, counsel for petitioner.
 Shri A.M. Kadukar, A.G.P. for R-1 & 2.
 Shri S.M. Vaishnav, counsel for R-3.

CORAM : A.S. CHANDURKAR, J.

DATE : NOVEMBER 11, 2019.

Orders passed by the Authorities under the Maharashtra Public Trusts Act, 1950 rejecting the change report dated 18.11.2012 is the subject matter of challenge in the present writ petition.

According to the reporting trustee, for the years 2012-15 the Executive Committee was duly elected and that change was sought to be reported in Change Report No.825 of 2012. It is the case of the reporting trustee that on 25.10.2012, a letter was issued by sixteen members to the President for convening the General Body Meeting to hold election of the Executive Committee. It has been found that issuance of such notice was not in accordance with Clause 11 of the Constitution of the Trust. It is then the case of the reporting trustee that about thirty six members had participated in the meeting held on 18.11.2012 while according to the contesting respondent, there were only nineteen members who had been validly enrolled. It has been found that a letter dated 15.03.2000 had been issued by the reporting trustee to the Education Officer alongwith a list of existing members. In that communication at Exhibit 48 there were only twenty members. Despite opportunity, the reporting trustee could not lead any evidence as regards enrollment of new members. Moreover, in the earlier change

reports for the term from 2009 to 2012 only nineteen members had participated therein.

It is thus seen that the learned Assistant Charity Commissioner and thereafter the learned Joint Charity Commissioner after considering all the material placed before them have held that the notice dated 25.10.2012 convening the General Body Meeting had not been validly issued. It has also been found that new members had not been shown as validly inducted. These findings are based on the material evidence or lack of it. I do not find any reason therefore to interfere in writ jurisdiction. The writ petition is thus dismissed. No costs.

Needless to state that the subsequent change reports be adjudicated by giving due opportunity to the parties.

Order accordingly.

JUDGE

APTE