

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

Writ Petition No.4853 of 2018
(Abdul Hadi Abdul Hamid and another .vs. Joint Charity Commissioner,
Amravati and ors.)

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

Mr. S.B. Bissa, AGP for Respondent No.1.
Mr. S.M. Vaishnav, Advocate for Respondent No.2.

CORAM : Manish Pitale, J.
DATED : January 21, 2019.

By this writ petition, the petitioners have challenged order dated 21.02.2018 passed by the Joint Charity Commissioner, Amravati, whereby the said authority has dismissed the appeal of the petitioner and a direction has been given to the 11 founder members of the trust in question to hold election of Executive Committee as per the provisions of the constitution of the trust. On 28.08.2018, this Court issued notice to the respondents for final disposal of this petition at admission stage. The respondents have entered appearance. This petition was listed on 09.01.2019 when none had appeared on behalf of the petitioners, although the counsel for the respondents were present. It was directed on 09.01.2019 that this petition be listed today i.e. 21.01.2019, as a matter of last chance. Even today, when the present writ petition is called out twice for hearing, a request is made on behalf of the learned counsel appearing for the petitioners for adjournment. The request is rejected and the petition is taken up for

consideration on merits.

2. This writ petition was filed on 26.05.2018 in this Court challenging the order dated 21.02.2018. As noted above, by the said order a direction was given by the Joint Charity Commissioner for holding the election of Executive Committee of the trust. The contesting respondents have entered appearance and it is stated in the submissions filed on behalf of the said respondents that pursuant to the impugned order, a meeting was held on 28.03.2018 of the founder members of the trust and an unanimous decision was taken to comply with the direction in the impugned order. Accordingly, on 31.03.2018, election to the Executive Committee was held and change report registered as C.R.No.164 of 2018 pursuant to the said election was filed before the Assistant Charity Commissioner. The said change report is pending before the Assistant Charity Commissioner, Amravati. A copy of the change report is also placed on record with the submissions.

3. In view of the above, it is evident that the impugned order has worked itself out and that if the petitioners have objection to the election held in pursuant of the impugned order, they are free to raise their objections in the aforesaid change report which is pending before the Assistant Charity Commissioner.

4. Accordingly, the present writ petition is dismissed.

JUDGE