

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

WRIT PETITION NO.898/2019

Atmaram S/o Kashinath Gawande

..Vs..

Punjabrao S/o Kashinath Gawande and another

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

Court's or Judge's orders

Shri K.S. Narwade, Advocate for the petitioner.
Shri Anup Dhore, Advocate for respondent No.1.
Shri S.P. Deshpande, Addl. G.P. for respondent No.2.

CORAM : Z.A. HAQ, J.

DATE : 11.2.2019.

Heard.

The petitioner submitted change report to the office of Assistant Charity Commissioner informing about resolution passed in the meeting alleged to have been held on 15th August, 2016 which brought a change in the executive committee of the public trust. The Assistant Charity Commissioner accepted the change report by order dated 12th January, 2017. The respondent No.1 challenged the order passed by the Assistant Charity Commissioner before the Joint Charity Commissioner in revision under Section 70A of the Maharashtra Public Trusts Act. This revision is allowed by the impugned order. The learned Joint Charity Commissioner has found that the record does not show that notice of the meeting alleged to have been held on 15th August, 2016 was served on the respondent No.1 who is undisputedly member of the trust and was earlier, the office bearer. The learned Advocate for the petitioner has submitted

that out of seven members, only respondent No.1 has raised objection and none of the other members have made any grievance. The record does not show that the other members accepted the factum of change in the meeting alleged to have been held on 15th August, 2016.

In the above facts, it cannot be said that the learned Joint Charity Commissioner has committed any error by remanding the matter to the Assistant Charity Commissioner for fresh enquiry. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.