

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

922 WRIT PETITION STAMP NO. 10981 OF 2020

SURESH S/O BHAURAO BHOSALE AND ANR.
VERSUS

VITTHAL S/O BABARAO LANGAR AND ORS.

...
Dr.S.D.Tawshikar, Advocate for
Petitioners.

Ms. D.S.Jape, A.G.P. for State.

...
CORAM : V.L.ACHLIYA, J.
DATE : 30/06/2020

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PER COURT :

1. By this petition filed under Article 227 of Constitution of India, the petitioners have challenged the order dated 03/03/2020 passed by Dy. Charity Commissioner for the reasons set out in detail in the petition.

2. Heard learned counsel for petitioners. Perused the impugned order.

3. On due consideration of submissions advanced in the light of order passed by Dy. Charity Commissioner, I am of the view no case exist to interfere with the order in exercise of writ jurisdiction under Article 227 of Constitution of India. By the

impugned order, the learned Dy. Charity Commissioner has allowed the President, Secretary and the Treasurer to spend the amount to the extent of Rs. 7,68,158/- lying in the account of Trust for the purpose of construction of latrine, bath-room and kitchen. While passing the order, the Dy. Charity Commissioner has put a condition that the amount shall be spent for the said purpose only and all payments above Rs. 10,000/- shall be made by account payee cheques.

4. Only for the reason the interse disputes pending in respect of change report amongst the rival group, the development work of trust can not be stopped. The order passed by Dy. Charity Commissioner is well reasoned and within the ambit of law. It suffers from no infirmity. In that view, no case is made out to invoke the writ jurisdiction under Article 227 of Constitution of India. I am, therefore, not inclined to entertain the petition. The petition is dismissed.

[V. L. ACHLIYA]
JUDGE

KNP