

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

53 WRIT PETITION (STAMP) NO.14299 OF 2020

GOVIND CHANDRAKANT RUDRAWAR AND OTHERS
VERSUS
THE ASSISTANT CHARITY COMMISSIONER

Mr.R.N. Dhorde, Sr. Advocate a/w. Mr. P.S. Dighe,
Advocate h/f. Mr. V.R. Dhorde, Advocate for the
petitioners.

Mr.A.R. Kale, AGP for respondent/State.

CORAM : S.V.GANGAPURWALA &
SHRIKANT D.KULKARNI,JJ.

DATED : 07.09.2020

P.C. :-

01. We have heard Mr.Dhorde, learned Senior Advocate for the petitioner. The learned Senior Advocate submits that the Election Officer has rejected the objection of the petitioners for inserting their names in the valid voters list on frivolous ground. The petitioners herein have participated in the election process for the year 2003-2008 and 2008-2013. The change reports have been accepted. In view of that the Election Officer could not have disputed the Membership of the present petitioners. Learned Sr. Advocate further submits that only on the

ground that the signatures of the petitioners did not appear, the acceptance of the change report for the elections of 2003-2008 and 2008-2013 is not considered. It is further submitted that the name of the petitioner No.12 appears in the list. That ought to have been considered. The list of 38 members is old list. The same is not updated. There are 49 members. The reliance on the order of the Assistant Charity Commissioner dated 30.07.2020 to hold that there are only 38 members is misplaced. The same was only undisputed fact and these 38 members are original members. The subsequently enrolled members as the petitioners are also legal and valid. The same is not considered properly.

02. We have considered submissions. The election process is in progress. The voting is scheduled on 21.09.2020. The last date for filling-in nomination papers is 09.09.2020. At this stage, it would not be appropriate to stall the election process.

03. The petitioners have right to agitate about their membership and assail the change report proceeding in case they can demonstrate that they are the valid members of the trust. The dispute about valid membership can also be gone into by the office of the Charity Commissioner.

04. The light of above, the writ petition is disposed of.

05. It is made clear that we have not settled the disputed question of fact about the membership of the petitioners.

[SHRIKANT D.KULKARNI,J.]

[S.V.GANGAPURWALA,J.]