

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

908. WRIT PETITION NO. 1344 OF 2020

Satish S/o Suryakant Manjrekar	... <u>Petitioner</u>
<u>VERSUS</u>	
Nandini D/o Narayan Puranik and others	... <u>Respondents</u>

WRIT PETITION NO. 1345 OF 2020

Satish S/o Suryakant Manjrekar	... <u>Petitioner</u>
<u>VERSUS</u>	
Nandini D/o Narayan Puranik and others	... <u>Respondents</u>

Mr. Abhinay D. Khot, Advocate for petitioner

CORAM : ROHIT B. DEO, J.

DATE : 22nd January, 2020

PER COURT :

1. Petitioner in both the petitions, Shri Satish Manjrekar, is a reporting trustee and the Change Reports are pending for final arguments.
2. The petitioner filed the Change Reports contending that he is appointed as a trustee by two trustees on 31st March 1991.

3. Respondent Smt. Nandini Narayan Puranik has approached the Authority under Section 50-A(1) of the Maharashtra Public Trusts Act, 1950 (for short "The Act") for framing the scheme in the interest of proper management or administration of the trust. In the said scheme proceedings, the petitioner has sought to intervene by preferring an application under Section 73-A of the Act.

4. The petitioner preferred an application Exh. 27 in the Change Report Enquiry No. 31/2018 (Writ Petition No. 1344/2020) and application Exh.22 in Change Report Enquiry No. 32 of 2018 (W.P. No. 1345/2020) and the prayer therein was that the Change Report and the scheme proceedings be decided together. Both these applications are rejected by the order dated 14th August 2019, passed separately.

5. The learned Assistant Charity Commissioner has reasoned thus:

"(4) Perused proceeding, it appears that, reporting trustee has filed this change report on the reason that, two trustees have appointed him as a trustee, on 31-03-1991. Section 22 of the Act provides that, where any change occurs in any of the entries recorded in the register kept U/ S. 17, it is to be reported to the authority. This shows that, the ambit of section 22 of the Act is

to record the change occurred of the Trust in the relevant register i.e. register maintained U/S. 17 of the Act.

(5) Section 50A(1) of the Act provides that, "Where the Charity Commissioner has reason to believe that, in the interest of the proper management or administration of a public trust, a scheme should be settled for it, or where two or more persons having interest in a public trust make an application to him in writing in the prescribed manner". It shows that, application U/ Section 50A(1) is in respect of scheme for proper management and administration of Public Trust. An application U/s. 50A(1) may be filed by trustee or any beneficiary or any interested person of the Trust.

(6) After perusal of provision in Section 22 and Section 50A(1) of the Act, it appears that, both sections are inserted in the Act for different purposes. There is no interlinked between two provisions. The scheme application is altogether different aspect and scheme is for the purpose of proper administration and management of the Trust. The change report is for the purpose to record change occurred in the register maintained of the Act. After perusal of roznama of this proceeding it appears that, since long this application is fixed for argument and reporting trustee had filed many adjournment applications

*and filed this application at a very belated stage.
It shows that, reporting trustee has filed this
application only to prolong the proceeding. "*

6. I do not see any error in the view taken by the learned Assistant Charity Commissioner. More importantly, I would assume that expeditious disposal of the Change Reports would be in the interest of the petitioner and no prejudice will be caused to the petitioners if his Change Reports are decided first. With due respect to the submissions of the learned Counsel, I find it incomprehensible that the reporting trustee should insist on clubbing the change report and the application under Section 50-A(1) of the Act for framing the scheme.

7. I do not see any reason to interfere with the orders impugned in the writ jurisdiction.

8. Both the petitions are dismissed.

**(ROHIT B. DEO)
JUDGE**