

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9568 OF 2019

Suniel Namdeorao Rukari & Anr. ..Petitioners
V/s.
Maharashtra Veersahaiva Sabha & Ors. ..Respondents

Mr.Ojas Deolankar for the Petitioners.

Mr.Dilip Bodake for Respondent Nos.2 to 8.

Mr.A.B. Kadam, AGP for Respondent Nos.9 and 10-State.

CORAM : C.V. BHADANG, J.

DATE : 31st JANUARY 2020

P.C.

1. The challenge in this petition is to the order dated 01st August 2019 passed by the Joint Charity Commissioner by which the learned Joint Charity Commissioner has appointed Inspector from his office as an Election Officer to hold elections to the Executive Committee of the respondent No.1-Trust.

2. It appears that there was an order passed by this Court on 16th April 2018 in Writ Petition No.8813 of 2016 after hearing the petitioner which order reads thus :-

“By consent of the Petitioners, Respondent Nos.3 and 4, the following order is passed-

Nilam
Kamble

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by Nilam Kamble
Date: 2020.01.31
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(a) The existing members of Petitioner No.1 and the members enrolled by Respondent Nos.3 and 4, as stated in the affidavit-in-reply by Respondent Nos.3 and 4 and as per the order dated 22 nd August, 2016 passed by this Court, to be scrutinized by the Executive Committee of Petitioner No.1. It is made clear that the said Committee will also examine the legality of the appointments made by Petitioner No.1 as set out in the additional affidavit dated 19th December, 2017 and the expenses alleged to have been incurred under various heads. The Executive Committee shall hear the petitioners and Respondent Nos.3 and 4 before taking any decision on the issue of legality of the members claimed to have been enrolled by Petitioner No.1 as well as Respondent Nos.3,4. If the Executive Committee is satisfied about the validity of the appointments made by the petitioners and that various expenses were required to be incurred by Petitioner No.1, the Committee may permit the petitioners to pay the said amounts out of the funds of Petitioner No.1;

(b) Based on the legalities of the membership as may be decided by the Executive Committee the Joint Charity Commissioner shall conduct election of the office bearer of Petitioner No.1 within three months from the date of finalization of the list of members by the Executive Committee;

(c) The impugned order passed by the Authority is substituted by this order;

(d) Insofar as the operation of the bank account is concerned, the same can be decided by the Executive Committee as directed aforesaid;

(e) Insofar as scrutiny of the appointments made by the Petitioners and the expenses are concerned, the Executive Committee shall decide the said issue within four weeks from today and till then none of the parties are allowed to operate the bank account opened with Respondent No.3/The Vishweshwar Sahakari Bank Ltd. Pune;

(f) It is made clear that Respondent No.3/Bank to the Civil Application to allow operation of the bank account in favour of such members who may be allowed to operate the bank account for clearing the urgent dues as may be decided by the Executive Committee;

(g) A copy of the resolution as may be passed by the Executive Committee shall be forwarded to the Bank /Respondent No.3 in Civil Application, duly certified by the advocate for the petitioner and then bank shall permit such members who will be authorized by the Executive Committee to operate the said bank account;

(h) The Writ Petition is disposed of in the aforesaid terms.

(i) In view of disposal of the Writ Petition, nothing survives in the Civil Applications and the same are disposed of accordingly;

(j) All parties to act on the authenticated copy of this order.”

3. It can thus be seen that the appointment of the Election Officer to conduct the Election is in pursuance of the order passed by this Court.

4. The learned counsel for the petitioner now contends that the Constitution of the Executive Committee which has finalized the list of voters is not proper and Executive Committee has even gone to the extent of enrolling new members which was

never the import of the order dated 16th April 2018 passed in Writ Petition No.8813 of 2016.

5. It appears that the contentions are about the challenge to the finalization of the voters list. That challenge is neither here nor there in this petition. If according to the petitioner the voters list is not prepared properly, the remedy of the petitioner, lies elsewhere. The impugned order merely appointing an election officer does not suffer from any infirmity. The petition is without any merit, and is dismissed, with no order as to costs.

C.V. BHADANG, J.