

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

Criminal Writ Petition No.1177/2017
Majlis Madarsa-E-Islamia Society and others Vs. The State of
Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri VK. Paliwal, Advocate for the petitioners.
Shri A.V. Palshikar, APP for respondent nos.1 to 4.
Shri Gopal Sharma, Advocate holding for Shri S.D.Abhyankar, Advocate for
respondent no.5.
Shri B.G.Kulkarni, Advocate for respondent nos. 6 to 11.

CORAM:- SUNIL B. SHUKRE AND
MILIND N. JADHAV, JJ.

DATED :- 06/01/2020.

Heard.

2. The order passed by this Court on 29.3.2019 gives sufficient indication of the solution that could be found out for resolving the dispute involved in this petition. The dispute is between the petitioners on the one hand and respondent no.5 on the other and it is about the power and authority to carry out the affairs of the society. Change Report No.306/2012 is already pending for decision before the Deputy Charity Commissioner. This Court, on 29.3.2019, also directed the Deputy Charity Commissioner to decide the Change Report within three months, considering the fact that the decision that would be rendered in respect of this Change Report would resolve the controversy involved in

this petition. However, learned Deputy Charity Commissioner has not complied with this order. We once again direct the Deputy Charity Commissioner to decide the Change Report No.306/2012 in accordance with law, within a period of three months from the date of order, failing which this Court shall initiate appropriate action against those responsible for not complying with this order. We further direct the Deputy Charity Commissioner to take appropriate action in the matter, if the elections are due to be held to the office of the Society, in the light of the Application No.1278/2019 filed under Section 41 of the Maharashtra Public Trusts Act, 1950.

3. Liberty is granted to the petitioners to move an application before the Deputy Charity Commissioner seeking removal of the seals and other incidental reliefs, considering the fact that the petitioners have been permitted to run the affairs of the society.

4. Disposed of accordingly.

JUDGE

JUDGE