

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

915 WRIT PETITION NO.8439 OF 2021

**KESHAVRAO ANANDA THORAT AND OTHERS
VERSUS
THE SAMTA SHIKSHAN PRASARAK MANDAL KHARWANDI THR ITS
PRESIDENT AND ANOTHER**

...

Advocate for Petitioners : Mhase Madhaveshwari S.

Advocate for Respondent : Mr. Vaihav B. Dhage.

**CORAM : MANGESH S. PATIL, J.
DATE : 08.10.2021.**

PER COURT :

Heard both the sides.

2. It transpires that a Change Report Enquiry No. 548/2020 filed under Section 22 of the Maharashtra Public Trusts Act, 1950 (hereinafter 'M.P.T. Act') by the respondents has been allowed by the order dated 13.07.2020. The petitioners have preferred an appeal under Section 70 of the M.P.T. Act which is pending before the Joint Charity Commissioner.

3. The learned Deputy Charity Commissioner during pendency of such appeal, on an application filed by the respondents on 11.06.2021 treating it as an Enquiry No. 54/2021 has allowed the application and as prayed for declared that the tenure of the newly elected Managing Committee in respect of which the Change Report was accepted and which matter is pending in the appeal, would be for a period from 21.12.2019 to 20.12.2021. Before deciding this application the learned Deputy Charity Commissioner refused to entertain the objections being raised by the petitioners (Exhs. 4, 7 and 8) by passing the impugned order dated 24.06.2021. Thus the petitioners are challenging the order in the Enquiry No. 54/2021 as also the

order passed separately on the very same day refusing to entertain their objections.

4. Indeed, it is rather astonishing as to how the learned Deputy Charity Commissioner could venture into and direct any modification of the order passed on a Change Report which was still subjudice before the Appellate Forum in the form of an appeal under Section 70 of the M.P.T. Act. It is still astonishing as to how, the petitioners were not even allowed to participate and object to such modification to be effected declaring the tenure of the newly elected Managing Committee.

5. Considering the nature of the orders, these orders can certainly be said to be the orders passed in the Change Report Enquiry itself and in that eventuality, the petitioners would have a remedy of preferring a Revision under Section 70A of the M.P.T. Act.

6. In view of the above, the Writ Petition is disposed of as under :

(a) The petitioners are granted liberty to impugn the orders which they are impugning in the present Writ Petition by preferring a Revision under Section 70A of the M.T.P. Act which shall be heard and decided by the learned Joint Charity Commissioner together with the petitioner's appeal under Section 70 of the M.P.T. Act.

(b) The petitioners shall file such Revision within one week.

7. The time spent in prosecuting the present Writ Petition shall be excluded under Section 14 of the Limitation Act.

(MANGESH S. PATIL, J.)

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