

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 Writ Petition No.10926 Of 2021

Shrisant Kabir Bahudeshiya Shikshan
Prasarak Mandal, Through Its Secretary
Rohidas Tulshiram Kadam

.. Petitioner

Versus

Govindrao Ramchandrarao Patil and Others

.. Respondents

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Mr R.D. Biradar, Advocate for the Petitioner

Mr B.N. Patil, Advocate h/f. Mr Amarjeet V. Patil, Advocate for
Respondent No.1

Mrs V.N. Patil – Jadhav, AGP for the Respondent – State

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CORAM : S. V. GANGAPURWALA AND
R.N. LADDHA, JJ.

DATE : 30-09-2021

PER COURT :

1. We have heard the learned Counsel appearing for the respective parties.

2. The petitioner assails the order passed by the Deputy Charity Commissioner, Latur directing to hold the elections by the Inspector of the office of Deputy Charity Commissioner.

3. Mr Biradar, learned Advocate submits that respondent no.1 is not the member of the trust. As he is not the member of the trust, he is not entitled to participate in the election. The said fact has not

been considered while passing the impugned order. The learned Advocate relies on the Judgment of the learned Single Judge of this Court in Writ Petition No.4470 of 2015 dated 02-05-2016. The learned Advocate submits that respondent no.1 illegally called the elections and submitted the change report. The change report is rejected. That will operate with the retrospective effect.

4. Mr Patil, learned Advocate for respondent no.1 submits that respondent no.1 is the valid member of the trust. Only the change report proceedings were rejected. There is no finding that respondent no.1 is not the member of the trust.

5. Under the impugned order passed on 25-03-2021, the elections of the trust are directed to be held by the Inspector of the office of the Deputy Charity Commissioner. It was held that there were only 8 members of the trust. The learned Advocate for the petitioner has contended that out of those eight persons only two are members and six are not the members. In the present writ petition, it will not be possible to go into the dispute of the membership. The petitioner has a remedy to challenge the membership of a trustee before Deputy / Assistant Charity Commissioner. The petitioner is at liberty to avail that remedy.

6. In the present matter as elections are directed to be held, we are not inclined to enter into the merits of the contentions. In case the petitioner or any other party is aggrieved by the election conducted, they have right to agitate if the change report is submitted.

7. All contentions of the respective parties are kept open.

8. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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