

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

WRIT PETITION NO.13842 OF 2021

GOKUL BHIKA PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Mukul S. Kulkarni, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. S. P. Bramhe, Advocate for Respondent Nos.2 and 3.

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 13th DECEMBER, 2021.

PER COURT:-

1. We have heard Mr. Kulkarni, learned counsel for the petitioner and Mr. Bramhe, learned counsel for respondent nos.2 and 3.

2. The contention of Mr. Kulkarni, learned counsel for the petitioner is that, the election is sought to be set in motion pursuant to the amendment passed in the General Body Meeting dated 16.12.2018. The Resolution itself states that, the amendment would come into effect after the sanction of the same by the office of the Assistant Charity Commissioner. The respondent nos.2 and 3 have moved the Assistant Charity Commissioner for approval of the amendment. The same is registered as Miscellaneous Application No.734/2019. The

petitioner has raised objection to it. The same is pending and now without approval of the Assistant Charity Commissioner, the respondents are proceeding to conduct the election.

3. Mr. Bramhe, learned counsel submits that, amendment was made in the year 2018. The petitioner did not raise any objection when the constitution was amended in a meeting dated 16.12.2018. The elections are delayed by eight months.

4. The objection is already raised by the petitioner before the office of the Assistant Charity Commissioner to the amendment. The petitioner may seek necessary relief qua the amendment and election being held on the basis of the amended bye-laws before the office of the Assistant Charity Commissioner where the objection filed by the petitioner is pending. The Assistant Charity Commissioner shall consider the said objection raised by the petitioner and pass necessary orders on the objection of the petitioner expeditiously. The petitioner may appear on 15.12.2021. The respondent nos.2 and 3 shall also remain present before the office of the Assistant Charity Commissioner where the Miscellaneous Application No.734/2019 and objection raised by the petitioner is pending. The petitioner shall serve the copy of the application upon respondent or their Advocate in the matter. The office of the

Assistant Charity Commissioner shall thereafter take decision upon the said application filed by the petitioner preferably within a period of seven days from the date of filing of the application and after hearing all parties concerned.

5. Writ Petition is disposed of.

6. Needless to state that, all contentions of respective parties are kept open. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE