

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4513 OF 2022

GOVINDPRASAD RAMPRASAD MUNDADA AND OTHERS
VERSUS
THE JOINT CHARITY COMMISSIONER AND OTHERS

...

Advocate for Petitioners : Mr V.D. Salunke
AGP for Respondent/State : Mr S.B. Pulkundwar
Advocate for Respondent Nos. 5 and 6 : Mr S.S. Thombre

CORAM : SANDEEP V. MARNE, J.
DATE : 16th NOVEMBER, 2022

PER COURT :

1. By way of the present petition, the petitioners have challenged the order dated 18.04.2022 passed by the Deputy Charity Commissioner in Enquiry No. 526 of 2022 thereby refusing to grant interim relief in the matter of declaration of election programme for holding elections of respondent No. 5 – Trust. The main objection of the petitioners to the election programme is appointment of the Election Officer, whose membership is under dispute.

2. After the matter was heard extensively on 15th November, 2022, it was adjourned in order to enable Mr Salunke and Mr Thombre to take instructions from their respective clients as to whether they are agreeable to the arrangement of appointment of an Inspector in the office of Assistant/Deputy Charity Commissioner to hold elections of the Trust.

3. Today, both Mr Salunke and Mr Thombre, after taking instructions from respective clients submit that their clients are agreeable

to the arrangement of deputation of an Inspector in the office of Assistant/ Deputy Charity Commissioner to hold elections of the Trust.

4. In view of the position emerging before me and the fair stand taken by both the learned counsel appearing for the petitioners as well as respondent Nos. 5 and 6, in my opinion, the present petition can conveniently be disposed of by directing the Assistant/Deputy Charity Commissioner to depute an Inspector/Officer in his office for the purpose of holding elections of the Trust.

5. Mr Thombre, learned counsel for respondent Nos. 5 and 6 submits that the Managing Committee of the Trust shall withdraw appointment of respondent Nos. 3 and 4, who were earlier nominated for conducting elections of the Trust.

6. Needless to observe that the proceedings pending before the Deputy Charity Commissioner in Enquiry No. 526 of 022 would become infructuous and would accordingly be withdrawn by the petitioners.

7. The officers/Inspectors so deputed by the Assistant/Deputy Charity Commissioner shall forthwith declare the election programme of the Trust and conduct the elections accordingly.

8. The writ petition is accordingly disposed of.

[SANDEEP V. MARNE, J.]

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