

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

288 WRIT PETITION NO.10658 OF 2022
WITH
CIVIL APPLICATION NO. 14534 OF 2022

SUDHIR YUVRAJ CHAVAN
VERSUS
THE RETURNING OFFICER AND ANOTHER

...
Advocate for Petitioner : Mr. Amol Sawant h/f Mr. D.B. Thoke
Advocate for Respondent No.2: Mr. R.S. Shinde
Advocate for applicant in C.A. No. 14534 of 2022 : Mr. S.P. Brahme

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AND
302 WRIT PETITION NO.10753 OF 2022

BHIKAN SHREEDHAR WANI
VERSUS
CHAIRMAN CHALISGAON EDUCATION SOCIETY AND OTHERS

...
Advocate for Petitioner : Mr. Amol Sawant h/f Mr. D.B. Thoke
Advocate for Respondent No.2: Mr. R.S. Shinde

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th OCTOBER, 2022.**

PER COURT :-

1. The petitioner, supported by respondent No.2, who claims to be Secretary of the Trust, prays that the elections programme declared on 13.9.2022 be kept in abeyance.
2. We have considered the strenuous submissions of the learned advocate for the petitioner, and have perused the five grounds formulated in the petition memo.

3. It is undisputed that the election programme is the commencement of the procedure for conducting elections. This Court ought not to interfere with the election programme. The scheme, which is sought to be amended by the Trust, is pending approval of the Assistant Charity Commissioner since 17.7.2017.

4. Shri Brahme, the learned advocate submits that the civil application has been filed by the Chairperson of the Trust, who has been conspicuously and conveniently not arrayed as respondent in this proceeding. Respondent No.2, Secretary is at loggerheads with the President. He, therefore, prays for being impleaded in this petition, as respondent No.3.

5. Since the election programme has already been declared and some proceedings are already pending before the Assistant Charity Commissioner, we do not deem it appropriate to entertain this petition. The same is, therefore, dismissed.

6. Nevertheless, the petitioner as well as the Chairman of the Trust, are at liberty to request the concerned authority to decide the proposed scheme, pending since 17.7.2017, as expeditiously as possible, and preferably on or before 30.04.2023.

7. In view of the disposal off this petition, civil application also stands disposed off.

8. In so far as writ petition No. 10753 of 2022 is concerned, the petitioner, on instructions, prays for leave to withdraw the said petition and approach the competent authority to seek expeditious decision and avail of the remedies as may be permissible in law.

9. In view of the above, the writ petition No. 10753 of 2022 is disposed off as withdrawn, on instructions, with liberty as prayed for.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/