

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

**CIVIL APPLICATION NO. 14439 OF 2022
IN
WRIT PETITION NO. 2652 OF 2021**

Yogendra Ramdas Desale .. Applicant

Versus

Manohar Gorakh Patil and others .. Respondents

Shri R. S. Deshmukh, Senior Advocate i/by Shri Chetan T. Jadhav, Advocate for the Applicant.

Shri Ameya N. Sabnis, Advocate for Respondent Nos. 1 to 4.

Mrs. G. L. Deshpande, A.G.P. for the Respondent Nos. 5 and 6.

Shri A. S. Sawant, Advocate for the Respondent Nos. 7 to 13.

Shri S. P Brahme, Advocate for Respondent Nos. 14 to 25.

CORAM : SANDEEP V. MARNE, J.

DATE : 12TH OCTOBER, 2022.

FINAL ORDER :

. It is undisputed that in respect of change report for the period 2010-2015 three petitions are pending before this Court. After the tenure of the committee came to an end, fresh elections were conducted in the year 2017, the term of which is expiring on 15th October, 2022. The change report for the period 2017-2022 is also subject matter of challenge before the Assistant Charity Commissioner.

2. Now both the groups have circulated agenda for holding meeting for conducting the elections. On behalf of the petitioners

the meeting is scheduled to be held on 16.10.2022, whereas on behalf of opposing group the meeting is scheduled to be held on 23.10.2022.

3. The present civil application has been filed seeking following prayers.

- (A) This Application may kindly be allowed.
- (B) The Ld. Assistant Charity Commissioner, Dhule, may kindly be directed to decide both the change reports Nos. 3589/2017 and 6577/2017 as earlier as possible, preferably within a stipulated period of two weeks.
- (C) All the three Writ Petitions bearing no. 2652 of 2021, 1426 of 2021 and 2643 of 2021 may please be expedited and decided at the admission stage itself.
- (D) The impugned communication i. e. notice (issued by the Manohar Gorakh Patil i. e. Petitioner herein) dated 28.9.2022 (inviting for meeting date 16.10.2022, having agenda of election) may please be quashed and set aside.
- (E) Pending hearing and final disposal of the present Writ Petition, the operation execution and implementation of impugned communication i. e. notice (issued by the Manohar Gorakh Patil Petitioner herein) dated 28.9.2022 (inviting for meeting date 16.10.2022, having agenda of election) may kindly be stayed.

4. So far as prayer clause 'C' is concerned, there is no difficulty for fixing a peremptory date for hearing of the present petitions. The only difficulty is with regard to prayer clause 'D' in

the civil application whereby applicant is seeking postponement of the elections till the petitions are heard. Undeniably, despite pendency of disputes relating to term 2010-2015, the elections were permitted to be held in the year 2017. My attention is invited to the order passed by this Court on 05th May, 2017 in First Appeal No. 2580 of 2016, which reads thus :

I. The first appeal No. 2580 of 2016 is hereby dismissed and in the circumstances, it is directed that the election of the managing committee of public trust viz. Janta Vidya Prasarak Mandal, Sindhkheda, Tq. and district Dhule, be held within a period of six months from the date of this order under the supervision of Assistant Charity Commissioner, Dhule or the prson deputed on his behalf.

5. It is in pursuance of the above directions that the elections in the year 2017 were held under the supervision of the Assistant Charity Commissioner, Dhule or the person deputed on his behalf. Therefore following the same course of action, present civil application can conveniently be disposed of by directing that the elections of the trust be held under the supervision of the Assistant Charity Commissioner, Dhule or a person deputed on his behalf on the dates to be scheduled by the Assistant Charity Commissioner, Dhule or person deputed on his behalf within a period of two (02) weeks from today.

6. So far as prayer clause 'D' of the civil application is concerned, Mr. Deshmukh, the learned Senior Advocate as well Mr. Brahme, learned advocate are *ad-idem* that suitable directions can be issued to the Assistant Charity Commissioner

Dhule for expeditious hearing of change report Nos. 3589/2017 and 6577/2017. Accordingly, the Assistant Charity Commissioner, Dhule is directed to decide both the change reports expeditiously and preferably within a period of two (02) months from today.

7. With these directions the civil application is disposed of. It is made clear that holding of the elections and result thereof would be subject to the outcome of the writ petitions.

8. The hearing of the petitions is expedited and petitions are directed to be listed on 15th December, 2022 for a peremptory hearing in urgent category.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22