

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

WRIT PETITION NO.12284 OF 2019

SADASHIV TUKARAM SANAP
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioner : Shri V.J.Dixit, Senior Counsel h/f Shri
Nagargoje Ankush N.
AGP for Respondent 1 : Smt.P.V. Diggikar
Advocate for Respondent 2 : Shri S.S. Thombre
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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 07th January, 2022

Per Court:

1. The petitioner is aggrieved by the order passed below exhibit 116 by the Assistant Charity Commissioner dated 29.08.2019 in Change Report No.1119/2006.
2. Heard the learned counsel for the petitioner and the respondents. The records indicate that respondent No.2 Dr.Anilkumar Sanap filed the change report before the Assistant Charity Commissioner, Beed, contending that the elections of the Bhagwan Baba Vidya Prasarak Mandal being held on 24.01.2006 for the period of five years i.e. 2006-2011 and necessary change was sought to be recorded in the record of trust. The change was registered vide Change Report No.1119/2006. The petitioner along with some other trustees objected to the change report

and sought certain record to be produced. By filing the application vide exhibit 116, the petitioner sought original record and proceedings from the year 1990 till the year 2019, which included the minutes of the general body meetings as well as special general meetings held since 1990 onwards.

3. By a detailed order dated 29.08.2019, the learned Assistant Charity Commissioner arrived at the conclusion that the record from 1990 is not at all necessary and infact, since the proceedings are listed for cross examination of the applicant i.e. Dr.Anilkumar Sanap, the cross examination shall be concluded. It is this order which is the subject matter of challenge in this writ petition.

4. As the application is perused, the record from 1990 in it's original form is sought to be brought on record. In support of the claim of the change report vide No.1119/2006, which is instituted by respondent No.2, if they are unable to establish change that has occurred in the trust in the absence of necessary documents being placed on record, an adverse inference is likely to be drawn by the Assistant Charity Commissioner and he may refuse to accept the change report. In any case, the proceedings cannot be kept pending on the said count. The application for producing the record from 1990 onwards has been rejected in the year 2019 itself, which calls for no interference in the year 2022. The Assistant Charity Commissioner is directed to expeditiously decide the Change Report

No.1119/2006 and preferably within three months from today. The Writ
Petition is, accordingly, disposed of.

kps

(SMT. BHARATI H. DANGRE, J.)