

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9010 OF 2021  
WITH  
INTERIM APPLICATION NO. 10212 OF 2022  
WITH  
INTERIM APPLICATION NO. 2662 OF 2022  
IN  
WRIT PETITION NO. 9010 OF 2021**

Dr. Suhas Alatekar And Ors ...Petitioners  
Versus  
State Of Maharashtra And Ors ...Respondents

Mr. Ajit J. Kenjale for the Petitioners.  
Mr. K.D. Thorat, AGP for the State.  
Mr. Surel Shah for Respondent No. 4.  
Mr. Anand Pai a/w Vipul Patel i/b Haresh Mehta and Co. for  
Respondent Nos. 5 to 8.  
Mr. Rui Rodrgiues a/w Mr. Jainesh Shah for Respondent No. 9.

**CORAM : S.V. GANGAPURWALA &  
R.N. LADDHA, J.J.**

**DATED : 10<sup>th</sup> OCTOBER, 2022**

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SHARAD  
PATIL

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**P.C. :-**

. The present petition is filed seeking directions against Respondent No.3 to decide the Application filed by the present Petitioner to appoint Administrator-Fit person for the purpose of administration of Respondent No. 4- Trust.

2. This Court under its order dated 21/12/2022, passed an order directing Administrator to be appointed as a pro tem Ad-hoc Administrator until further orders of the Court. The Charity Commissioner was also directed not to proceed with any of the appeals or applications pending before it. So also it

was directed that no pending Change Reports are to be given effect until further orders of the Court.

3. The said order was continued from time to time because of the retirement of the pro tem Ad-hoc Administrator. The new pro tem Ad-hoc Administrator was appointed under order dated 12/07/2022.

4. The Interim Application is filed seeking directions against Respondent No. 2-Charity Commissioner to decide representation dated 21.03.2022 so as to call for Special General Body Meeting for appointing/ electing the new Board of Trustees amongst the members of Respondent No. 4-Trust.

5. It is a fact that the Administrator cannot be continued perennially. The Trust has to be administered by the persons as provided under the Constitution of the Trust. The Office of the Charity Commissioner acts as a supervisory authority over the functioning of the Trust. The Petitioner has already approached the Office of Charity Commissioner for conducting the elections of the Board of the Trustees and/or appointing them.

6. It is high time, the office of the Charity Commissioner takes a decision for appointing/ electing Board of Trustees in consonance with the Constitution of the Trust in force.

7. In light of the above, we pass the following order.

**ORDER**

(i) The ACC/Competent Authority shall decide the application dated 21/03/2022, filed by the Petitioner, wherein the Petitioner has prayed to call for Special General Body Meeting for appointing/ electing the new Board of Trustees of Respondent No. 4-Trust on its own merit.

(ii) The same shall be decided in tune and in consonance with the Constitution of Respondent No. 4-Trust, expeditiously.

(iii) Till the fresh elections/ Board of Trustees are appointed, the pro tem Ad-hoc Administrator appointed under order of this Court dated 12/12/2021 and continued further under order dated 12/07/2022 shall continue.

(iv) With these observations, Writ Petition and Interim Applications stands disposed of. No costs.

**(R.N.LADDHA, J.)**

**(S.V. GANGAPURWALA, J.)**