

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7199 OF 2022

Rajendra Vishwanath Adake & Ors. ...Petitioners

Versus

Deputy Charity Commissioner
Kolhapur & Ors. ...Respondents

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Mr.Prashant Bhavake, for the Petitioners.

Mrs.M.S. Srivastava, AGP for Respondent-State.

Mr.S.S. Patwardhan i/b Mr.Chetan Patil a/w Mr.Bhushan
Mahadik for Respondent Nos.2 to 4.

CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.

DATE : 14 NOVEMBER 2022

P.C:-

. We have heard the learned counsel for the Petitioner
and the learned counsel for the Respondents.

2. Mr.Bhavake, the leaned counsel for the Petitioner
submits that the order was passed by the Joint Charity
Commissioner in Appeal No.12 and 13 of 2015 on 26 April 2016
that henceforth all elections shall be conducted by the Office
Superintendent of the Joint Charity Office, Kolhapur, as per
directions given in the said order. However, the Respondents
without following the said order submitted a Change Report,

stating that in December 2021 the elections were held. Infact no elections were held and the same is not in-consonance with the order dated 26 April 2016 in Appeal No.12 and 13 of 2015 passed by the Joint Charity Commissioner, Kolhapur.

3. Mr.Pathwardhan, the learned counsel submits that the elections are legitimately held, the Change Reports are pending.

4. The Change Report Proceedings Nos.439 of 2022 and 440 of 2022 filed by the present Respondent No.3 on the ground that the elections are held in December 2021 is pending with the Office of the Deputy Charity Commissioner, Kolhapur and the Deputy Charity Commissioner, Kolhapur under order dated 17 April 2022 in Miscellaneous Application No.100 of 2021 has directed to dispose of the Change Report Proceedings within three months.

5. We direct the Deputy Charity Commissioner to dispose of the said proceedings expeditiously and preferably within six months from today.

6. The Petitioner and Respondent No.3 shall appear before the Deputy Charity Commissioner on 28 November 2022.

7. The Petitioners may file their objection to the change report and the said change report shall be decided after giving opportunity to the parties in accordance with the law within six months.

8. The parties shall co-operate in expeditious disposal of the proceedings.

9. The parties are at liberty to apply before the Deputy Charity Commissioner for necessary orders.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)