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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1305 OF 2022

Rajendra D. Bhosale Petitioner
Versus
Assistant Charity Commissioner No.1 & Ors. Respondents

Mr. Chaitanya Nikte a/w. Ms Sneha Bhange for the Petitioner.
Mr. R.S. Kadam for Respondent No.2.
Mr. PP .Pujari, AGP for the State.

CORAM : A.S. GADKARI, J.
DATE : 31st MARCH, 2022

P.C. :

Heard Mr.Nikte, learned counsel for the Petitioner, Mr.Kadam, learned Advocate for Respondent No.2 and Mr.Pujari, learned APP for the State.

2. The application preferred by the Petitioner before the Assistant Charity Commissioner-I, Pune in Miscellaneous Application No.16 of 2010, thereby calling upon Respondent No.1 to first adjudicate on the issue as to whether Respondent No.2 is a Lifetime member or not, according to this Court, was a frivolous application. In view of the scheme sanctioned by the Competent Authority in Application No.35/2006, by its Order dated 11.01.2010, it is necessary for Respondent No.1 to follow the procedure as prescribed by the Deputy Charity Commissioner in para 13 of the said

scheme. According to me, the present application filed by the Petitioner is a preposterous application filed with malafide intention thereby dragging Respondent No.2 alone in the litigation though there are various other members of the said Charitable Trust.

3. According to this Court, Respondent No.1 would certainly follow the procedure as is necessary and mandatory under the Law and as has been directed by Order dated 11.1.2010. Respondent No.1 is therefore after taking into consideration various aspects of the matter has rightly rejected the application filed by the Applicant by its Order dated 17.09.2021. Perusal of impugned Order clearly indicates that the Respondent No.1 has not committed any error either in law or on facts while passing it.

4. It appears to this Court that, the Petitioner with ulterior motive is creating hurdles in appointment of the first Board of Trustees since long. It further appears that, he is more interested in litigation than the smooth functioning of the Trust namely Vidyarthi Vikas Mandal.

5. In view of the above, this Court is of the considered view that, there are no merits in the Petition and is accordingly dismissed in limine.

(A.S. GADKARI, J.)