

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1701 of 2020

- (1) Mohammad Mushtqaue Abdul Khalik
Aged about 46 years, Occ – Service,
R/o Dagdali Pura, Iqbal Chowk,
Shegaon, District Buldana.
- (2) Mohd Hussain Mohd Harrun
Aged 49, Occ – Service,
R/o Iqbal Chowk, Dagdali Purra,
Shegaon, Buldana.
- (3) Mohd Shafi Mohd Farid
Aged 50, Occ – Service,
Near Idgah, C/o Anjuman
Urdu High School, Shegaon,
Buldana.
- (4) Mohd Jamil Sheikh Mohd
Aged 49, Occ – Nil,
R/o Dagdali Pura, Shegaon,
Buldana.
- (5) Sheikh Rajik Abdul Latif
Aged 50, Occ – Nil,
R/o Mohollapeth,
Shegaon, Buldana.
- (6) Sayyad Fahim Sayyad Mudaffaruddin
Aged about 49, Occ – Service,
R/o Mominpura Islam Darshan Kendra,
Akola, Taluka and Distt. Akola.

... Petitioners

... Versus ...

- (1) Assistant Charity Commissioner,
Buldana.

(2) Sarfaraz Khan Rehman Khan
 Aged about 53 years, Occ – Service,
 R/o Mohollapeth, Shegaon,
 District Buldana.

... Respondents

 Mr. R. D. Karode, Advocate for the petitioners
 Mr. N. R. Rode, A. G. P. for respondent 1
 Mr. N. R. Saboo, Advocate for respondent 2

CORAM : ROHIT B. DEO, J.

DATED : 5-4-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. With consent, the petition is finally heard.

2. The petitioners are the objectors in Change Inquiry 1213/2012.

3. The reporting trustee, Mr. Sarfaraz Khan was in the witness box and when the cross-examination was partly recorded, the objectors preferred an application seeking direction to the reporting trustee to produce original notice book, resolution book, bank passbook, cash book and ledger book. This application is partly allowed by the Assistant Charity Commissioner, Buldana vide order dated 19-12-2019. The reporting trustee is directed to produce original notice book and resolution book. The other documents are held to be unnecessary for decision in the change report which pertains to the election held on 28-7-2012.

4. The consideration of the Assistant Charity Commissioner reads thus :

“7. By filing present application, petitioner sought direction of production of original notice book, resolution book, account passbook, cash book and ledger book. According to him above mentioned documents are necessary to be on record for conducting cross examination of the applicant. As above mentioned scope of section 22 is very limited. While deciding application under section 22 role played by management and administration of the trust in day-to-day affair is not necessary to be looked into. Out of beseeched documents, though the applicant has filed verified copies of notice and resolution but considering the scope of inquiry the original notice book and resolution book comes within the ambit and scope of present enquiry. However account passbook, cash book and ledger book are out of consideration of present enquiry. Therefore original notice book and resolution book are needs to be on record for cross examination of the applicant. Rests of documents are not necessary while parting the matter in hand. Hence following order. ...”

5. I do not see any error in the view taken. It is apparent that the petitioners are seeking documents which are absolutely unnecessary considering the limited scope of the enquiry.

6. The petition is dismissed.

JUDGE

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Digitally signed by AVINASH
YUVRAJ WASNIK
Signing Date: 07.04.2022 17:25