

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 2282/2022

Shri Avinash Ganpatrao Shegaonkar and anr. ...Petitioners

Versus

The Assistant Charity Commissioner -II, Nagpur ...Respondent

Mr. S.D. Abhyankar, Advocate for the Petitioner

Ms. Kalyani R. Deshpande, Assistant Government Pleader for the
Respondent

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATED : 05 MAY 2022

P.C.:

The writ petition is filed by two of the Trustees of the Trust which is not joined as a party Respondent, challenging the orders passed by the Assistant Charity Commissioner dated 08 April 2022 rejecting the application for recalling the direction dated 15 March 2022 issued by the Assistant Charity Commissioner under Section 41-A of the Maharashtra Public Trusts Act, 1950.

2. Main grievance of the Petitioners is that the Petitioners - Trustees were not heard before passing the orders and certain adverse comments have been made in the impugned orders.

3. Since the Petitioners have invoked the writ jurisdiction of this Court, it will have to be seen whether the breach of

principles of natural justice as sought to be contended by the Trustees would automatically lead to the cancellation of the orders which are passed by the Assistant Charity Commissioner for betterment of the Trust.

4. We have perused the order dated 15 March 2022. Apart from the fact that it mentions that Trustees even though given notice did not remain present, lays down the methodology to bring about the transparency for opening of the donation box as such. Some of the measures are regarding had, the donation box should be opened on a particular date; instance of opening of donation box should be notified on the Notice Board; counting should be done by the Panchas and the amount should be deposited in the same day in the bank; the opening of donation box should be made under CCTV camera and valuation should be done etc. All these directions are for the betterment of the Trust bringing in complete transparency. Therefore, as far as these directions are concerned, we are not inclined to interfere with the same.

5. If there are any personal comments made against an individual Trustee, it is open to such Trustee to apply for expunging such observations to the Assistant Charity Commissioner, which application will be decided on its own merits.

6. We, however, make it clear that as regards the order dated 15 March 2022 is concerned, we do not see any warrant to set aside the same.

7. The writ petition is accordingly disposed of. No costs.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

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