

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

WRIT PETITION NO. 4412 OF 2021

Surendra S/o Late Dulichand Bante -- Petitioner

Vs.

Jeetsingh S/o Bholaram Patle and another -- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Abhyankar, Advocate for Petitioner
Mr. K.L. Dharmadhikari, AGP for Respondent No.2

CORAM : MANISH PITALE, J.

DATE : 28th APRIL, 2022

By this petition, the petitioner has challenged order dated 29/07/2021, passed by the Assistant Charity Commissioner, whereby an application filed by the petitioner under Section 73-A of the Maharashtra Public Trust Act, 1950, intervening in change report proceedings before Inquiry No.903/2007, has been rejected.

2. The learned counsel appearing for the petitioner sought to rely upon Section 2(2A) inserted in the aforesaid Act by way of amendment w.e.f. 10/10/2017, to contend that since the petitioner is an employee with a school run

by Trust in question, he is covered under the said definition. On this basis, it is contended that his application under Section 73-A of the said Act ought to have been allowed.

3. A perusal of the application moved on behalf of the petitioner at Exh.51 before the Assistant Charity Commissioner shows that the only ground on which the petitioner sought intervention was that since he happened to be the grand-son of the founder member of the Trust, he ought to have been allowed to intervene.

4. A perusal of the impugned order shows that the Assistant Charity Commissioner has found that the petitioner failed to make out any ground for his application to be granted.

5. It is significant that the aspect about the petition being covered under Section 2(2-A) of the said Act on the ground of being an employee of the school run by the said Trust was never raised before the Assistant Charity Commissioner and a statement was made for the first time in the present writ petition. This Court is convinced that the Assistant Charity Commissioner committed no error

in rejecting the application on the basis of what was stated in the said application at Exh.51.

6. Therefore, there is no substance in the present writ petition and it stands dismissed.

7. At the same time, the petitioner would be at liberty to move an appropriate application before the Assistant Charity Commissioner on the basis of the aforesaid statement made in the present writ petition for the first time, which shall be dealt with by the Assistant Charity Commissioner, in accordance with law.

8. This Court expresses no opinion in that regard.

JUDGE