

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

WRIT PETITION NO. 238 OF 2022

Vijay Gopalkrushna Patil and ors.
..VS..
Joint Charity Commissioner, Amravati

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

Court's or Judge's orders

Ms. Radhika Bajaj, Advocate for the petitioners.

CORAM : ROHIT B. DEO, J.
DATED : 14/02/2022.

1. This petition is preferred challenging the order dated 12.10.2021 whereby the Joint Charity Commissioner, Amravati Division has refused to appoint new trustees, and had as such refused to exercise power under Section 47(1) of the Maharashtra Public Trusts Act, 1950 (the Act).

2. Section 47(5) of the Act reads thus :

“47(5). An appeal shall lie to the Court against the order of Charity Commissioner under sub-section (2), as if such order was a decree of a district court as a court of original jurisdiction from which an appeal lies, within sixty days from the date of the order, which shall otherwise be final.”

3. An appeal is provided against an order passed in exercise of power under Section 47(2). In my considered view, notwithstanding that the authority has refused to appoint new trustees, such refusal would be an order or decision within the meaning of Section 47(2) read with 47(5) of the Act and therefore an appeal would clearly lie.

4. The petition is disposed of as not maintainable with liberty to the petitioner to prefer the statutory appeal.

JUDGE

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