

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

WRIT PETITION NO. 1413 OF 2022

Sudhir Abhiman Ramteke and others

vs.

Joint Charity Commissioner, Nagpur and others

WITH

CONTEMPT PETITION NO. 17 OF 2020

IN

WRIT PETITION 6201 OF 2019 (D)

Gramin Vikas Shikshan Sanstha

vs.

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Anand Parchure, Advocate for petitioners.
Mr. A. C. Dharmadhikari with Mr. A. P. Thakare, Advocate
for respondent Nos. 3 to 6.

CORAM : MANISH PITALE J.

DATE : 05/07/2022

CONTEMPT PETITION NO. 17 OF 2020 IN

WRIT PETITION 6201 OF 2019 (D)

It is an admitted position that with
passage of time Writ Petition No. 6201 of 2019 itself
stood disposed of.

2. In view of the subsequent development, nothing remains in the present contempt petition, hence, it is disposed of as such.

WRIT PETITION NO. 1413 OF 2022

By this writ petition three orders passed by the Joint Charity Commissioner, Nagpur are made subject matter of challenge. The said three orders arose out of three proceedings undertaken before the Assistant Charity Commissioner, Gadchiroli. One was Suo Motu Inquiry proceeding in respect of a trust called Pragtik Shikshan Sanstha, Desaiganj, Dist.Gadchiroli; second proceeding was as regards the amalgamation of the said trust with another trust called the Gramin Vikas Shikshan Sanstha, Churmura, Tq. Armori, Dist. Gadchiroli; and the third proceeding pertained to elections undertaken after amalgamation of the trusts.

3. The Joint Charity Commissioner passed the impugned orders after finding, as a matter of fact, that the orders passed by the Assistant Charity Commissioner, Gadchiroli could not be sustained for the simple reason that a recorded trustees of the said trust i.e. Pragtik Shikshan Sanstha, Desaiganj was not put to notice when such proceedings were

undertaken, which had a serious impact on the very existence of the said Pragtik Shikshan Sanstha, Desaiganj. In other words, it was found that persons interested were not put to notice and the entire trust stood amalgamated with the Gramin Vikas Shikshan Sanstha, Churmura. On this basis, the orders passed by the Assistant Charity Commissioner were set aside and the matters stood remanded to the said authority for fresh consideration.

4. Although the learned counsel appearing for the petitioner vehemently submitted that no ground was made out for setting aside the well reasoned orders of the Assistant Charity Commissioner and for remanding the proceedings, this Court is convinced that when a radical step such as amalgamation of an existing trust is to be undertaken, all procedural requirements, particularly those pertaining to the principles of natural justice need to be adhered to, so that all interested persons are given an opportunity by the Assistant Charity Commissioner before passing effective orders in such proceedings.

5. The joint Charity Commissioner having found that there was violation of such procedure, this

Court while exercising writ jurisdiction would be averse to interfering in such orders.

6. At this stage, learned counsel for the petitioners submitted that the writ petition was amended in order to raise challenge to entries made in Schedule- I by the Assistant Charity Commissioner. This Court is of the opinion that such entries are consequential upon the original orders of the Assistant Charity Commissioner being set aside and they are obviously subject to further proceedings before the said Authority.

7. Therefore, having heard the learned counsel for the rival parties, this Court is of the opinion that no interference is warranted in the impugned orders passed by the Joint Charity Commissioner.

8. It would be in the interest of justice that the proceedings before the Assistant Charity Commissioner are expedited.

9. Accordingly, the writ petition is dismissed.

10. The Assistant Charity Commissioner, Gadchiroli, is directed to dispose of Sou Motu Inquiry

No.417 of 2017, Inquiry Application No.5261 of 2017, and Change Report Inquiry No.114 of 2018, as expeditiously as possible and in any case within a period of **six months**.

JUDGE