

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13495 OF 2021

SHAMRAO NIVRUTTIRA BHOSALE AND OTHERS
VERSUS
THE DEPUTY CHARITY COMMISSIONER AND OTHERS

Mr. A.N. Irpatgire, Advocate for the Petitioners.
Mrs.G.L.Deshpande, AGP for the Respondent-State.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : FEBRUARY 23, 2023.

PER COURT :

1. The challenge in the petition is to the order of Deputy Charity Commissioner, accepting the change report under section 22 of the Maharashtra Public Trusts Act, 1950, whereby the public trust has rejected the change report by virtue of General Body Resolution as regards the membership of the trust. In view of Section 22 (3) of the Maharashtra Public Trusts Act, 1950 an alternate remedy of appeal is provided to the Charity Commissioner.

2. Learned counsel appearing for the Petitioners submits that the appeal is maintainable as against the the findings of the Deputy Charity Commissioner and in the present case, there are no such findings and as such, the petition is maintainable. The

submissions of learned counsel for the Petitioners cannot be accepted and even if there are no findings, it is the order of the Deputy Charity Commissioner, which is required to be challenged before the Charity Commissioner by way of an appeal and the contention can be taken before the Charity Commissioner as regards absence of findings.

3. In light of the above, writ petition is without merit and is disposed of with liberty to the petitioners to challenge the order before the Charity Commissioner.

(SHARMILA U. DESHMUKH, J.)