

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CONTEMPT PETITION NO.170 OF 2023
IN WP/4880/2020

DEEPAK HUKUMCHAND DUGGAD AND ANOTHER
VERSUS
SHRI STHANAKWASI JAIN SANGH SHRIRAMPUR THROUGH
PRESIDENT AND OTHERS

...
Advocate for the petitioners : Mr. V.M. Maney
AGP for respondent/State : Mr. G.O. Wattamwar
...

**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 21 MARCH 2023

PC :

Learned advocate for the petitioners submits that though the parties were before this Court in writ petition no.4880 of 2020 and writ petition was dismissed by referring to observation in paragraph no.25 in the decision taken by the Deputy Charity Commissioner, the elections have not been held. Para nos.25 and 26 of the order in the writ petition read as under :

"25. The learned Deputy Charity Commissioner has observed in his decision that term of Board of trustees came to an end in the year 2017. No election for Board of trustees was held after the year 2017. As such, election for the Board of trustees is necessary for proper administration and accounting of the Trust. The income of the Trust needs to be utilised for the object written in the Constitution. The directions have been issued by the learned Deputy Charity Commissioner in order to take care of the Trust. It was direction in a way in anticipation of certain things.

26. As all parties had conceded for holding the election before the Deputy Charity Commissioner, we are not inclined to invoke our writ jurisdiction. The learned Deputy Charity Commissioner has issued those directions for proper administration and better management of the petitioner – Trust and to put an end the dispute between two groups of Trust. The petitioner can challenge or raise objection to the change report. So also raise issue of membership in appropriate proceedings. The petitioner is not without remedy.”

2. *Ex facie*, only the contents of the order passed by the Deputy Charity Commissioner find place in paragraph no.25. This Court had not directed anything, much less, expecting the Deputy Charity Commissioner to take any decision. Rather in paragraph no.26, this Court had expressly declined to invoke the writ jurisdiction in directing the learned Deputy Charity Commissioner to conduct the elections.

3. We do not find any disobedience, much less, wilful of any order of this Court. The petition is disposed of.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/