

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11675 OF 2022

**GANESHSINGH HANUMANSINGH KUAUNDALYA (THAKUR)
VERSUS
JOINT CHARITY COMMISSIONER, AURANGABAD AND OTHERS**

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent Nos. 1 & 2 – State : Mrs. G.L. Deshpande
Advocate for Respondent No.5 : Mr. A.D. Khot
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th MARCH, 2023

PER COURT :

1. Petitioner is aggrieved by the order dated 07/07/2022, passed by the Joint Charity Commissioner, Aurangabad Region, Aurangabad, below Exhibit-3 in Appeal No.24/2021, filed by the petitioner under section 70 of the Maharashtra Public Trusts Act, 1950.
2. Petitioner filed the said appeal challenging the order dated 09/11/2021, passed by the Assistant Charity Commissioner-I, Nanded Region, Nanded, in Inquiry No.9637/2018, thereby rejecting change report filed by the petitioner. Application Exhibit-3 is filed seeking stay to the order passed by Assistant Charity Commissioner. The said application is rejected. Hence, the present petition.

3. Heard learned advocate for petitioner, learned Additional Government Pleader for respondent Nos. 1 and 2 and learned advocate for respondent No.5. Perused the grounds raised in the petition, documents placed on record including the order passed by the Assistant Charity Commissioner, Nanded, in Inquiry and the impugned order.

4. Record indicates that while conducting elections of Executive Committee of the Trust, rules and regulations were not followed. The Returning Officer had no authority to issue notices or convene meeting in defiance of rules and regulations of the Trust. Total voting of the Trust is 1614, however, three candidates namely Bajrangsingh Thakur, Ganeshsingh Kaundilya and Gulabsingh Parmar, have received 1620, 1640 and 1664 votes respectively. It is, therefore, clear that three candidates are shown to have received more votes than total voting.

5. It is, therefore, clear that petitioner has failed to make out *prima facie* case in rebutting observations of the Assistant Charity Commissioner. Balance of convenience is not in favour of the petitioner, so also, petitioner is not likely to suffer irreparable loss if the relief sought is refused.

6. The Joint Charity Commissioner has passed reasoned order and there is no illegality or perversity in the order impugned

in present petition. No case is made out by the petitioner to exercise extraordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)