

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

**36 WRIT PETITION NO.9393 OF 2022**

**RAMCHANDRA MURLIDHAR SHELKE AND ANOTHER  
VERSUS  
THE JOINT CHARITY COMMISSIONER AND OTHERS**

Mr. S. D. Hiwrekar, Advocate for the petitioners

Mr. S. S. Thombre, Advocate for the respondent No. 2 and 3

**CORAM : KISHORE C. SANT, J.**

**DATE : 16<sup>th</sup> OCTOBER, 2023**

**P. C.**

1. Heard the parties. The appeal is taken up for final disposal by consent.

2. The order impugned in the petition is the order passed by the learned Charity Commissioner, Aurangabad Region, Aurangabad dated 09-05-2022 dismissing the appeal of the present petitioner.

3. The facts in short are that; the respondents had filed change report bearing Enquiry No.1653/2011 whereas the

present petitioner had filed change report bearing Enquiry No.17/2015. The learned Assistant Charity Commissioner was pleased to dismiss both the change reports observing that the list of voters/members itself was not final. Both the parties have shown different persons as members of the trust. Said order was passed on 28-06-2018. The respondents accepted the order. The petitioner however filed an appeal before the Joint Charity Commissioner. The learned Joint Charity Commissioner has dismissed the appeal.

4. This court finds that there is concurrent findings of the facts. The petitioners could not show as to how the judgment is not correct and that persons who were shown as members were duly inducted and had right to vote. Considering the above position, it would be in the interest of justice to dispose off the writ petition by keeping it open to the parties to apply to the learned Assistant Charity Commissioner by filing appropriate proceeding seeking necessary directions for proper administration of the trust. If any such application is filed, the

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learned Assistant Charity Commissioner is expected to dispose it off it within a period of 6 months from today.

**[KISHORE C. SANT, J.]**

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