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

906 WRIT PETITION NO.9188 OF 2023

PRAKASH SHRIRAM MANKAR AND OTHERS
VERSUS
DEPUTY CHARITY COMMISSIONER, JALGAON REGION
JALGAON

....

Mr S. V. Dixit, Advocate for Petitioners;
Mr P. S. Patil, A.G.P. for Respondent

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 22nd August, 2023

PER COURT:

1. On 31/07/2023, we had passed the following order :-

“1. The application filed under Section 41-A of the Maharashtra Public Trust Act, 1950 has been rejected by the impugned order dated 25/05/2023, with a specific observation in paragraph 8 that “The applicants are posing themselves as members of the trust. They have submitted that they are life members of Bharat Krushak Samaj..... The Applicants failed to produce when they became life members of the trust. There is nothing on record to show that, they are life members of the trust. They failed to produce the list of members of this trust since registration of the Trust. Therefore, I come to the conclusion that, the applicants are not the members of the trust.”

2. The learned Advocate for the Petitioners submits that, the Petitioners had filed voluminous record before the competent authority and the same is ignored. We

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find that these documents are not even filed before us in this petition. Now, the learned Advocate for the Petitioners submits that, he would file these documents.

3. Leave to place on record the documents from page Nos.59 on-wards.

4. List this petition on 21/08/2023 in the same category.”

2. The learned Advocate for the Petitioners concedes that, the original register, which indicates the members of the Trust, namely, Maharashtra Rajya Krushak Samaj Trust, was not placed before the Respondent. He submits that, the original register would be produced before the Respondent and prays that Exh.19 in Enquiry Application No. Dycc/06/2023, filed under Section 41-A of the Maharashtra Public Trusts Act, 1950, may be directed to be reconsidered.

3. The learned A.G.P. rightly submits that, if the Petitioners submit the original register, the Respondent would verify the authenticity of the same and then consider it while passing a fresh order.

4. We deem it appropriate to record that, prima facie, we do not find any error committed by the Respondent in passing the

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impugned order dated 25/05/2023. However, as the original register indicating the membership of the Petitioners in relation to the Maharashtra Rajya Krushak Samaj, Jalgaon, was not placed before the competent authority, this is the only reason, as to why we are setting aside the impugned order.

5. In view of the above, **this petition is disposed off.** The impugned order dated 25/05/2023 stands set aside. Exh. 19 is restored to the file of the Respondent.

6. The Petitioner shall produce the original members register before the Respondent, on or before 30/09/2023. Thereafter, the Respondent would be at liberty to verify the authenticity of the said register and after hearing the Advocate for the Petitioners, pass an appropriate order below Exh.19 in Enquiry Application No. Dycc/06/2020.

7. All contentions of the parties are kept open.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk