

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

WRIT PETITION NO.10915 OF 2023

**BANWARILAL MISHRILAL VARMA
VERSUS
THE ASSISTANT CHARITY COMMISSIONER NASHIK
AND OTHERS**

...

Advocate for the Petitioner : Shri Yogesh Thorat
AGP for Respondents 1 and 2/State : Shri A.V. Deshmukh
Advocate for Respondents 4 and 5 : Shri M.V. Ghatge
Advocate for Respondent 6 : Shri R.M. Deshmukh

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

DATE :- 01st September, 2023

Per Court :-

1. This matter was heard for sometime.
2. It is undisputed that the elections to the Trust are due. The elections are underway in view of the order of this Court. The scheme formulated by the Competent Authority is under challenge before the appropriate forum. However, the said scheme has not been stayed.
3. We expressed our disinclination.
4. The learned Advocate for the Petitioner submits, on

instructions, that if in future, the scheme is set aside, the election scheduled as per the scheme, would also suffer and the authorized trustees would thereafter, challenge the said election.

5. The learned Advocate for Respondent Nos.4 and 5 tenders an affidavit in reply. The learned AGP and the learned Advocates for the respective Respondents strenuously oppose the petition.

6. In view of the above, **this Writ Petition is disposed off.**

7. We make it clear that we have not dealt with the issue as regards the locus of the Petitioner in filing this petition and the same is kept open.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)