

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12241 OF 2023

GUNAI SHIKSHAN PRASARAK MANDAL KAWALKHED THROUGH ITS
PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Patil N.P. Jamalpurkar
Addl. GP for Respondents/State: Mr. S. B. Yawalkar
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 02.11.2023

PER COURT :

- . Heard the learned Advocate for the petitioner as also the learned Addl. GP.
2. The learned Advocate for the petitioner tenders across the bar affidavit, which is taken on record.
3. The Regional Deputy Director by his order dated 31/08/2023, had directed release of the grants to the petitioner and the order can be found at **Annexure - F**, however, his subordinate officer vide communication dated 21/09/2023 [**Exhibit - H**] has refused to release the grants, primarily for the reason that the change report was pending before the office of the Charity Commissioner and it could be released only if it was finalized.

4. As is being pointed out by the learned Advocate for the petitioner, the additional affidavit contains a copy of the order passed by the Deputy Charity Commissioner, Latur on 30/10/2023 whereby, in the change report inquiry no.335/2023 by passing an order below application Exhibit-20, the change report has been provisionally accepted as contemplated under Section 22(2) of the Maharashtra Public Trusts Act, 1950 [for short 'the Act'].
5. If pendency of the change report alone was the reason for the impugned communication to withhold the grants, the impediment apparently has been cured by virtue of acceptance of the change report provisionally.
6. In light of the above, we dispose of the writ petition by directing the respondent no.4 to consider this aspect and effect of the order passed by the Deputy Charity Commissioner, Latur under Section 22(2) of the Act and release the grants, if otherwise there is no reason to withhold it, as expeditiously as possible and in any case within four weeks.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

Sameer