

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7422 OF 2023

Banda Navbharat Shikshan Prasarak
Mandal, thr. Vitthal Gopal Dalvi

.. Petitioner

v/s.

Assistant Charity Commissioner
and Ors.

.. Respondents

...

Ms. Rachan Harpale i/by. Mr. Nitin P. Deshpande, Advocate for the
Petitioner.

Mr . A.P. Vanarse, AGP for State.

...

CORAM : SANDEEP V. MARNE, J.

DATED : JULY 21, 2023.

P.C. :

1. By this petition filed under the provisions of Article 227 of the Constitution of India, the only relief sought for by the Petitioner is a direction to the Assistant Charity Commissioner to take decision on Petitioner's proposal dated December 16, 2022 for Change Report forthwith. The Change Report is filed by the Petitioner on February 16, 2022. By way of the said Change Report, Petitioner seeks, *inter-alia* removal of 13 trustees and addition of 9 members. Within barely four months of lodging of the Change Report, Petitioner has filed the present petition in April, 2023

seeking a direction that the Assistant Charity Commissioner must decide the Change Report forthwith.

2. I am not aware about pendency of cases before the Assistant Charity Commissioner. This Court therefore cannot pass an order directing the Charity Commissioner to decide the Change Report within a time bound manner. As a matter of fact, since no specific order is under challenge in the present petition, the same is not maintainable under the provisions of Article 227 of the Constitution of India. The Writ Petition is accordingly **dismissed**.

3. Needless to observe that the Assistant Charity Commissioner shall decide the Change Report filed by the Petitioner considering the pendency of cases before it as expeditiously as possible.

NEETA
SHAILESH
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(SANDEEP V. MARNE, J.)