

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.4195 of 2023

Raju Gajananrao Bankar

vs.

Babanrao Raghunathji Wankhede and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D.Abhyankar, Advocate for petitioner.

Ms S.S.Jachak, Assistant Government Pleader for respondent no.23.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 7th JULY, 2023

The challenge raised in the present writ petition is to the order dated 28.09.2022 passed by the learned Assistant Charity Commissioner in proceedings under Section 41A of the Maharashtra Public Trusts Act, 1950 The application being No.154 of 2021 preferred by the respondent nos. 1 to 7 has been allowed and the present petitioner has been directed to conduct elections as per constitution of the public Trust within a period of three months.

2. It is submitted by the learned counsel for the petitioner that with regard to the earlier elections that were held on 05.08.2018 it's Change Report bearing No. CR-2295 of 2018 was pending and hence there was no need to further direct holding of elections. He expresses apprehension that if the fresh elections are held, the earlier change report would be rendered infructuous.

3. In paragraph 10 of the impugned order the reason for issuing the direction in question has been indicated. Since the earlier elections were held in the year 2018 and the tenure of the Executive Committee had come to an end, the direction in question has been issued. It therefore cannot be said that the direction to hold elections is against the constitution of the public Trust.

4. Insofar as the change report filed by the petitioner is concerned, the same can be directed to be expedited to enable consideration of subsequent change reports that are likely to be filed after the order dated 28.09.2022 is implemented.

5. Accordingly by expediting proceedings in Change Report No.2295 of 2018, we do not find any reason to interfere with the impugned order. The writ petition is dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.