

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

Writ Petition No. 1761 of 2020

[Shahid Abdul Hamid Education Society, Darwha, District Yavatmal through its Secretary (duly authorised) Syed Nisar Syed Mustafa ..vs.. Assistant Charity Commissioner, Yavatmal and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. B. Dharmadhikari, Advocate for the petitioner
Mrs. K. R. Deshpande, AGP for the State/respondent 1
Ms. Dipali Kolhe, Advocate for respondent 3

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, JJ.**

DATED : 14-6-2023

The petitioner is assailing the communication dated 1-11-2019 issued by respondent 1 to respondent 2 – Superintendent of Post, Yavatmal Division, Yavatmal.

2. In the context of the submission of the learned counsel for the petitioner Mr. Charuhas Dharmadhikari that the said communication adversely affects the civil rights of the petitioner and opportunity of hearing to the petitioner was necessary, it would be apposite to note what exactly is the communication.

3. Respondent 1 recorded in the communication that names of 9 persons are mentioned in Schedule A

of the Shahid Abdul Hamid Education Society, Darwaha. The said 9 names do not include the petitioner. Respondent 1 then notes that as many as 9 change reports are pending. The names of the reporting trustees do not include the petitioner. Respondent 1 then refers to the proceedings under Section 41D, 17/2008 whereby 5 trustees are removed, which do not include the petitioner. The next reference in the communication is to the order dated 26-5-2017 in Enquiry 17/2008 whereby fresh election supervised by the Inspector on the establishment of respondent 1 was directed. The communication states that elections are held on 4-7-2017 and new executive committee of 9 persons is elected, which does not include the petitioner. Finally, respondent 1 advised respondent 2 that since the name of Nasrullahkhan Sarfarazkhan is in Schedule 1, it would be appropriate if the correspondence address of the trust is in his name.

4. Nothing is brought to our notice to suggest that Syed Nisar Syed Mustafa shall be adversely

affected in any manner, by the communication impugned. In our considered view, Syed Nisar Syed Mustafa has no locus whatsoever to assail the communication impugned. We need not consider the broad submission that given the nature of the communication impugned, respondent 1 has exercised power under Section 41A of the Maharashtra Public Trusts Act. While the submission is not free from doubt, assuming arguendo that the communication is issued in exercise of power under Section 41A of the said enactment, the petitioner did not have any right of hearing.

5. The petition is dismissed.

(M. W. Chandwani, J.)

(Rohit B. Deo, J.)

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