

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 6944 of 2018

Anil S/o Ganpatrao Mujgewar
Versus
Pandurang Rabhobaji Lanjewar and another

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

Court's or Judge's Order

Shri M.Y.Wadodkar, Advocate for the petitioner.
Shri A.J.Gilda, Advocate for the respondent no.2.

CORAM : ANIL S. KILOR, J.
DATED : 1st AUGUST, 2023.

Heard.

2. A change report was filed by the reporting trustee was not pressed by filling a pursis. In pursuance to the said pursis without inquiry, the learned Assistant Charity Commissioner, Yavatmal disposed of the change report inquiry bearing no. 134 of 2015 vide order dated 12th March, 2018 which was subject matter challenge under Section 70 of the Maharashtra Public Trust Act, 1950. In the said proceeding, the learned Joint Charity Commissioner, Amravati set aside the order of the learned Assistant Charity Commissioner and restored the change report Inquiry No. 134 of 2015, vide

judgment and order dated 23rd August, 2018, the validity and correctness of the same, is under challenge, in this writ petition.

3. The petitioner was an objector to the change report and the challenge is raised to the impugned judgment and order dated 23rd August, 2018 passed by the learned Joint Charity Commissioner, Amravati on the ground that in absence of objector as a party to the said appeal, the appeal was not maintainable. Further respondent no.2 cannot maintain the appeal as his name does not appear in the Schedule-I.

4. Both the objections are liable to be rejected for the reason that in the change report, the respondent no.2 was shown as Chief Secretary. It appears that in a new Executive Committee constituted in the General Body Meeting dated 26th February, 2011, the respondent no.2 was elected as a Chief Secretary. Hence, it cannot be said that the change report which was withdrawn by the reporting trusty without any permission of the members of the new Executive Committee, against the same respondent no.2 cannot maintain the appeal under Section 70 of the Maharashtra Public Trusts Act, 1950.

5. As far as not making the petitioner as a party though he was an objector to the change report. Nothing pointed out what prejudice is caused to the petitioner by restoration of change report inquiry no. 134 of 2015. As an objector, the petitioner has every right now to raise objection to the change report No.134 of 2015, which may help to the learned Assistant Charity Commissioner to decide the change report.

6. In the circumstances, the writ petition is dismissed.

7. The findings recorded by this Court in respect of election of respondent no.2 in a new Executive Committee are *prima facie* and the learned Assistant Charity Commissioner shall not get influenced by the same while deciding the change report.

[ANIL S. KILOR, J.]

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