



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

938 WRIT PETITION NO. 2634 OF 2023

1. Dattatraya Tukaram Deshmukh,
2. Hemant Dattatray Sapkal,
3. Gajanan Kailas Sapkal,
4. Nana Ramrao Sapkal @ Nanasaheb
Ramrao Sapkal. **...Petitioners**

VERSUS

1. Vitthalrao Kautikrao Sapkal,
2. Vishwasrao Bhikanrao Sapkal,
3. Vinayakrao Himatrao Sapkal,
4. Pandurang Totaram Sapkal,
5. Assistant Charity Commissioner, Jalna,
6. Joint Charity Commissioner, Aurangabad. **...Respondents**

...
Advocate for the Petitioner : Mr. Jadhav Aummaheshwari S.
AGP for Respondents No.5 and 6-State : Mrs. R. R. Tandale
Advocate for Respondent No.4 : Mr. A. D. Khot
None present for Respondents No.1 to 3
...

CORAM : R. M. JOSHI, J.

Dated : June 25, 2024

PER COURT :-

1. Learned Counsel for the petitioners, respondent No.4 and learned AGP were heard. Respondents No.1 to 3 though served, are not represented before this Court today. This indicates that these respondents do not wish to oppose this petition.

2. This petition takes exception to the order dated 01/04/2021, passed in Appeal No.93/2015 by the Joint Charity Commissioner,

Aurangabad. Though the petitioner is challenging the entire order, the main grievance of the petitioner is about the interpretation of the following portion of the order sought to be done by the existing Managing Trustees, which is reproduced below :-

"(2).....the Trustees on Schedule – I is directed to conduct the Election of Managing Committee of the Trust within six months from the date of order as per the Rules and Regulations of the Trust and submit change report before the competent authority."

It is therefore submitted that the mis-interpretation of this portion of the order would deprive the other members from their participation in the elections of the Trust. If any person wishes to seek clarification of the orders, the remedy would not lie in a writ petition by taking exception to such order. If at all the petitioners or respondent No.4, as the case may be, are aggrieved and need clarification, it can be sought only from the Court / authority who have passed the said order.

3. In the instant case, it is submitted that the petitioners are the members of the Trust, as such, being interested persons from them

also it would be open to move appropriate application before the concerned authority to seek clarification of the order. In case, any such applicant is moved for clarification, the same be decided after hearing of all concerned parties.

4. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)

vj gawade/-.