



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

WRIT PETITION NO.3471 OF 2000

Shivajirao s/o Maruti Nalawade
Age: 60 years, Occ: Agriculture
R/o: Yedashi, Tq. and Dist.
Osmanabad

.. Petitioner
(Orig. Res. No.1)

Versus

1. Shamsundar s/o Madanlal Bangad
Age: Adult, Occ: Agriculture and
Business, R/o: Osmanabad, Tq.
and Dist. Osmanabad
2. Gaibiraj s/o Suryabhan Anpat
Age: 80 years, Occ: Ex Army man
R/o: As above
3. Babappa s/o Gangaramappa Sankale
Age: Adult, Occ: Agriculture and
Business, R/o: Latur,
Tq. and Dist. Latur
4. Vishwanath s/o Ramanappa Hurape
Age: Adult, Occ: Business and
R/o: Nanded, Tq. and Dist. Nanded
5. Pralhad s/o Ramaji Magar
Age: Adult, Occ: Business
R/o: Latur, Tq. and Dist. Latur
6. Padmakar Govind Walasankar
Died
7. Keshav Narhari Deokar
Died
8. Asstt. Charity Commissioner,
Osmanabad Region, Osmanabad

.. Respondents
(Res. No.1: Ori. Applicant, Res.
No.2 to 7: Ori. opponents)

...
Mr. S. V. Dixit h/f. Mr. V. J. Dixit
AGP for Respondent No.8: Mr. V. M. Chate
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 04th JANUARY, 2024

ORAL JUDGMENT:

1. Heard.

2. The petitioner challenges the order passed by the Assistant Charity Commissioner, dated 04.08.2000, wherein the Assistant Charity Commissioner was pleased to hold that the directions sought by the applicant therein / respondent herein are vague. It is not proved by applicant that, what type of hurdles were made by the opponent no.1 / petitioner and it was also held that the prayer made in the application is beyond the scope of section 41-A of the Maharashtra Public Trusts Act, 1950, as such, the application was rejected. However, in the interest of Trust, the Assistant Charity Commissioner had passed the following directions in clause 2, as under:

“2. Inspector from Public Trusts Registration Office, Osmanabad is deputed and directed to attend and control the affairs regarding collections of funds on every Monday of Shravan month and report after the festival is over.”

3. The said directions issued by the Assistant Charity Commissioner was stayed by the interim orders of this court dated 14.08.2000 and the interim order continued to operate till today.

Substantial period has gone by and the new bodies have taken over the Trust.

4. The Change Report No.557/99 and 3/2000 were subjudiced before the said authority, as such, over the period of time new management may have taken over. The directions contained in clause 2 above, in the order dated 04.08.2000, passed by the Assistant Charity Commissioner may not hold good today and the same has also been stayed by this court for a long period of time.

5. In view of the same, clause 2 of the order dated 04.08.2000, passed by the Assistant Charity Commissioner is set aside.

6. However, liberty is reserved to any aggrieved person to move in accordance with law, in the event, it is found that the funds received by the Trust are misappropriated / misutilised.

7. Rule is partly made absolute in above terms.

8. The writ petition is disposed of accordingly.

[ARUN R. PEDNEKER, J.]