



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 2744 OF 2024

Machhindra Narayan Gharat,
age 65 years, Occ. Agriculture,
and Secretary of Shri Bankatswami
Shikshan Sanstha, Khadkighat,
Tq. & Dist. Beed, R/o Sakhare Boargaon,
Tq. & Dist. Beed. Petitioner.

VERSUS
The Assistant Charity Commissioner,
Beed Respondent.

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Advocate for the Petitioner : Mr. Patil N.P. Jamalpurkar
AGP for Respondent : Mr. S.B. Pulkundwar
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CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.

Dated : March 12, 2024

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith.
2. Learned AGP waives service of notice for the respondent.
3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus directing the Assistant Charity Commissioner, Beed to accept the Change Report No.1630 of 2023 filed by the Petitioner provisionally by exercising the powers conferred under section 22(2) of the Maharashtra Public Trusts Act and by passing

appropriate order on Application Exhibit 6 in Change Report No.1630 of 2023.

4. The learned counsel for the petitioner invited our attention to the change report in No.1630 of 2023 filed by his client and would submit that though the said change report is filed by the petitioner on 16.11.2023, the respondent has not accepted the change report provisionally as contemplated under Section 22 (2) of the Maharashtra Public Trust Act, 1950 till date even after expiry of 15 working days from the date of receipt of such change report.

5. A perusal of Section 22 (2) indicates that the Deputy or Assistant Charity Commissioner is empowered to pass an order provisionally accepting the change report within 15 working days and thereafter issue a notice inviting objections to such change within 30 days from the date of publication of such notice. The respondent, however, has not provisionally accepted the change submitted by the petitioner within a period of 15 days from the date of submission of the said report or even thereafter till date.

6. We accordingly direct the respondent to provisionally accept the said change report submitted by the petitioner on 16.11.2023 under Section 22 (2) within two weeks from today and to take further steps as contemplated under Section 22 (2) and (3) within the time contemplated under the said provision.

7. It is made clear that this Court has not expressed any view on the merits of the maintainability of the said change

report submitted by the petitioner or on its merits. All contentions of the parties are kept open.

8. Writ petition is disposed off in the aforesaid terms. No order as to costs. Rule is made absolute.

9. Parties to act upon the authenticated copy of this order.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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aaa/-