



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4346 OF 2024

Bapurao Shankar Rathod,
Age: 59 years, Occu.: Agri.,
and President of Gunai Shikshan
Prasarak Mandal, Kawalkhed,
Tq. Udgir, Dist. Latur,
R/o. Kawalkhed, Tq. Udgir,
Dist. Latur.

.. PETITIONER

VERSUS

The Deputy Charity Commissioner,
Latur region, Latur.

.. RESPONDENT

...
Mr. N. P. Jamalpurkar, Advocate for the petitioner.
Mr. N. S. Tekale, AGP for respondent – State.
...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 9th MAY, 2024.

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Present petition has been filed to direct the respondent Deputy Charity Commissioner, Latur region, Latur to decide the Change Report No.335 of 2023 and Change Report No.300 of 2023 pending before him within a period of three months.

2. Heard learned Advocate Mr. N. P. Jamalpurkar for the petitioner and learned AGP Mr. N. S. Tekale for the respondent – State.

3. Learned Advocate for the petitioner submits that the respondent has granted provisional acceptance to the change reports by order dated 30.10.2023, however, the matter is still pending in view of Section 22 of the Maharashtra Public Trust Act, 1950. Such report should be decided within a period of three months. Since the said proceedings are pending, the Assistant Commissioner, Social Welfare, Latur is not proceeding to decide the grants and, therefore, the directions are needed.

4. In view of order passed by this Court on 25.04.2024, learned AGP informs that there are 670 matters pending on the file of the respondents and the oldest one is of the year 2003.

5. Definitely, the provision of Section 22 of the Maharashtra Public Trust Act, 1950 stipulates the schedule for decision of the change report, however, taking into consideration the actual pendency, we are required to consider the practical difficulty also. If in each and every matter directions are given, then it would be putting pressure on the concerned authority. The work cannot be got done by putting an authority under pressure. There is already a pressure of work to each judicial as well as quasi judicial authority. Another aspect to be noted from the enquiry made with the learned Advocate for the petitioner that the said order passed regarding provisional acceptance of the Change Reports dated 30.10.2023 is said to be under challenge before

the Joint Charity Commissioner, but according to the petitioner the post is presently vacant. In view of the pendency of the matters before the respondent, we feel that, at the most, the order regarding expediting the proceedings can be passed, but certainly we are not in favour of making it time bound, otherwise it would be the injustice to the already pending matters. Further, taking into consideration the order dated 30.10.2023 passed by the appropriate authority, if there is no stay to the said order, then the Assistant Commissioner, Social Welfare Department, can take note of the same and may proceed, if it is within his powers. He need not then wait till the final decision in the proceedings. Further, the grant-in-aid is required to be given to the institution. If other criterias are fulfilled, then the grant-in-aid cannot be refused on the ground that there are disputes between the management. With these observations, the writ petition can be disposed of. Hence, following order :-

ORDER

- I) The Writ Petition stands partly allowed.
- II) Respondent – Deputy Charity Commissioner, Latur region, Latur is hereby directed to expedite the proceedings in Change Report No.335 of 2023 and Change Report No.300 of 2023, if there is no stay by the superior authority and to decide it in accordance with law, as early as possible.

III) The petitioner would be at liberty to move before the Assistant Commissioner, Social Welfare Department, Latur on the basis of provisional acceptance of the Change Reports by order dated 30.10.2023 passed by the respondent and if there is no stay by the higher authorities to the said order below Exhibit-20 in Change Report No.335 of 2023, then to take up the application/proposal by the petitioner on its own merits.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm