



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO. 2660 OF 2024

JAYSHRI DEEPAK PATIL AND OTHERS

VERSUS

YASHWANTRAO MANIKRAO PATIL AND OTHERS

...

Advocate for the Petitioners : Mr. Prashant Madhav Nagargoje

AGP for Respondent/State: Mr. B. A. Shinde

Advocate for Respondent No.6 :

Mr. D. J. Chaudhari h/f. Mr. M. D. Shinde

Advocate for Respondents No.1,2,4,5,7 to 13 : Mr. V. D. Salunke

Advocate for Respondent No.14 : Mr. A. B. Tele

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WITH

WRIT PETITION NO. 557 OF 2024

WITH

CIVIL APPLICATION NO. 4393 OF 2024

IN WP/2660/2024

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 29th APRIL, 2024

PER COURT:

1. Heard.
2. The petitioners raise serious issue of impropriety in passing the impugned order. The fact in nutshell is that the application no.1138 of 2023 is filed for direction to hold the elections by the 13 members of the total 16 members of the trust. The said application was filed on

15.12.2023 and the same was registered on 29.12.2023 and notice was issued. Three of the non applicants filed an application on 22.12.2023 as the third party application for intervention in application no.1138 of 2023, which was allowed and on 12.02.2024. The Roznama, which is at page no. 130 of the petition, relevant at page no.132 of the petition shows the dates of hearing as 12.02.2024, 16.02.2024, 20.02.2024.

3. From the record it appears that an application is submitted by the petitioner at Exhibit 23 on 20.02.2024 and in the application it is contended as under:-

*“1) That, above matter is on todays board for say.
2) That, without hearing arguments of non-applicants this court passes judgment, which is highly objectionable. The court / authority hurriedly passed order without keeping matter for arguments of other side.”*

4. On the application there is an order date 20.02.2024, passed by the Deputy Charity Commissioner as under:-

“Application is file at 5.30 p.m. it is allowed with direction to argue matter today itself.”

5. There is another order dated 20.02.2024, passed on Exhibit 23, at 06:00 p.m. as under:-

“Till 6:00 p.m. Respondent not argue in matter hence proceed for order.”

6. Thereafter, apparently the judgment is passed in terms of the impugned order passed by the Deputy Charity Commissioner.

7. The judgment runs from page nos.84 to 90 of the writ petition, passed on 20.02.2024. On the same date, the Deputy Charity Commissioner was also relieved of the post on account of her promotion. The entire record as depicted prima facie creates a very hazy picture of facts as regards entertainment of Exhibit 23 and orders passed thereon and to ascertain the truth it is necessary that the office of the Deputy Charity Commissioner, Latur shall produce the record of the steno (dictation note-books of stenos from 11.02.2024 to 21.02.2024), who has taken the dictation of the impugned order dated 20.02.2024, in this court by the next date. The entire record of the case is also directed to be produced before this court on the next date. The office of the Deputy Charity Commissioner is also directed to preserve steno-note books for the relevant period of all stenos attached to the office of the Respondent no.14.

8. The learned AGP / Office of the Deputy Charity Commissioner to produce the record in this matter before the next date.

9. Stand over to 19.06.2024.

10. Interim relief, if any, to continue till then.
11. The learned counsel for the petitioners is permitted to file the rejoinder in the Registry.

[ARUN R. PEDNEKER, J.]

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