



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1648 OF 2024

Raghunath Babu Nagare & Anr.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Ashutosh Kulkarni a/w. Vrushali Maindad and Shaheen Kapadia
for the petitioners.

Ms. Shruti D. Vyas, Addl. G.P. a/w. Ms. P.N. Diwan, AGP for the State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 6 February, 2024

P.C.

1. This petition has been filed praying for the following reliefs:

“a) Rule be issued;

b) This Hon’ble Court be pleased to issue appropriate writ, direction or order and direct respondent nos. 3, 4, 5 and 6 to conduct elections of Executive Committee of respondent no. 4 by way of Secret Ballot technique to ensure fair and just election that serves the trust’s interest;

c) Or in alternate, this Hon’ble Court be pleased to issue appropriate writ, direction or order and direct Respondent no. 3 to dispose of Miscellaneous Application bearing no. 2 of 2024 filed by the petitioners expeditiously and in a time bound manner, well before the Annual General Meeting commences;

d) Pending the hearing and final disposal of this Writ Petition, stay the order dated 05.12.2023 passed by the respondent no. 3 in Appeal no. 7 of 2023.

2. We are informed by Mr. Kulkarni, learned counsel for the petitioners that the hearing of the Miscellaneous Application is listed tomorrow before the

Deputy Charity Commissioner. Mr. Kulkarni also informs that the General Body Meeting to decide the other course of action is scheduled to be held on 18 February, 2024.

3. If that be the case, the Deputy Charity Commissioner shall make an endeavour to decide the Miscellaneous Application as expeditiously as possible before 18 February, 2024 in accordance with law.

4. As the proceedings are at large before the Deputy Charity Commissioner, we are of the opinion that no prejudice would be caused to respondent nos. 4 and 5 if the above order is passed to dispose of the petition.

5. All contentions of the parties in the Miscellaneous application are kept open.

6. Disposed of in above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)