



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13356 OF 2022.

Passing Volleyball Association Sangli Thr.
Secretary Ashok K. Patil

...Petitioner.

Versus

Manohar Sadhu Suryawanshi (Secretary)
And Ors.

...Respondents.

Mr. Prithviraj S. Gole i/b Divya A. Pawar for the Petitioner.
Mr. S. D. Rayrikar, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 18th October 2024.

P. C. :

1. Heard.
2. The present petition has been filed challenging the order dated 9th April 2021 passed by the Assistant Charity Commissioner allowing the application filed under Section 41A of the Maharashtra Public Trust Act, 1950 (for short, Public Trust Act) giving directions for holding of elections.
3. The case which is pleaded in the petition is that respondent No.7-Trust was registered in the year 1980 and since the year 1985 there was no election held and there was no Change Report which was filed

with the office of the Charity Commissioner. It is pleaded that on 27th December 2020 the Secretary of the Respondent No.7-Trust had circulated a notice for the meeting to be held on 9th January 2021 and one of the agenda items was election of the managing committee. It is further contended that subsequently, respondent No.7 approached the office of the Additional Charity Commissioner seeking direction under Section 41A of the Public Trust Act for the purpose of holding elections, which came to be allowed by the impugned order.

4. Learned counsel appearing for the petitioner would submit that fraud has been played in as much as after the notice was issued on 27th December 2020 for the meeting of 9th January 2021, the elections were apparently held. He points out that the same was reported in the newspaper and therefore there could not be any fresh application under Section 41A of the Public Trust Act seeking a direction for holding of the election.

5. I have considered the submissions and perused the record.

6. Firstly, it needs to be noted that as against the order passed under Section 41A of Public Trust Act there is a remedy of revision under Section 70A of the Public Trust Act, which remedy has not been exhausted by the petitioners. On the solitary ground, the petition itself could have been dismissed however since the contentions are raised about validity of the impugned order, I have considered the

matter on merits. By the impugned order dated 9th April 2021, the application filed by respondent No.7-Trust came to be allowed permitting the elections to be held. In event there were any elections which were already held electing managing committee members, apparently the person aggrieved would be the elected members of the managing committee. It does not appear that any such objection to the order of 9th April 2021 has been raised by the alleged elected managing committee members. In the present case, the basis for allegation of fraud is the notice of 27th December 2020 in which one of the agenda item is election of the managing committee member.

7. Admittedly, the Petitioners did not attend the meeting of 9th April 2021. Learned counsel for the petitioner is not able to point out from the material on record that after the notice was given there was a meeting which was held on 9th January 2021 and in fact agenda item No. 6 was carried forward. Reliance is only placed on the newspaper cutting which could not be considered to be the conclusive proof of the election of the managing committee members. In any event, if the elections were in fact held then it is for the elected members to contest the order of holding of fresh election.

8. In light of the above, I find no reason to interfere in the impugned order. Petition stands dismissed. In view of disposal of petition, Interim/Civil Applications, if any, do not survive for

consideration and stand disposed of.

[Sharmila U. Deshmukh, J.]