

BDP-SPS-

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2024.03.22
19:05:50 +0530

Corrected as per order dated 21/3/2024.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3623 OF 2024**

Mr. Swami H. Saraswati and Ors.

.... Petitioners.

V/s

Andhra Karnataka Dalita Varga
Sangha Mumbai and Ors.

.... Respondents.

Mr. Vishal V. Rankhambe a/w Ms. Aparna V. Rankhambe for the
Petitioners.

Ms. Madhavi Tavanandi i/b Mr. Jay Patil for Respondent No.1.

Mr. N.C. Walimbe, Addl. G.P. a/w Mrs. T. N. Bhatia, AGP for
Respondent-State.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 18th MARCH, 2024

P.C.:-

1] The challenge raised in this writ petition is to the order dated 05/10/2023 passed by the learned Assistant Charity Commissioner in proceedings under Section 41A of the Maharashtra Public Trusts Act, 1950. By the said order, the Managing Committee of the Trust was directed to conduct elections of the Trust as per the Scheme dated 21st September 2010 that was governing Respondent No.1 – Public Trust. It is seen that both the parties to the said proceedings had filed pursis at Exhibits-14 and 15 consenting to hold such elections as per the modified Scheme. It is in the light of this stand taken by all the parties that the order dated 05/10/2023 came to be passed by the learned Assistant Charity Commissioner.

2] The learned Counsel for the Petitioners seeks to submit that further process of elections is not being conducted in accordance with the Scheme.

3] We find that election programme having been published and the voting, if required, is scheduled on 31/3/2024, all grievances with regard to conduct of the elections can be raised as and when change report is filed pursuant to such elections. We do not find that there is any ground to interfere with the order dated 05/10/2023 especially when it has been passed with the consent of parties.

4] With liberty to the Petitioners as well as contesting Respondents to raise all grievances in the matter of conduct of elections in the change report that would be filed, writ petition is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]