

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2532 OF 2024

Manoj Shripal Jain	...Petitioner
<i>Versus</i>	
Assistant Charity Commissioner-I & Ors.	...Respondents

Mr. Kamlesh Tiwari, Advocate, for the Petitioner.
Mr. Manish Upadhye, AGP, for the Respondent No.1.
Mr. Shivam Mishra i/b. Mr. Sirat Khan, Advocates, for the
Respondent Nos.2 and 4.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th AUGUST 2024

P. C.:

1. Heard Mr. Tiwari, learned Counsel appearing for the Petitioner, Mr. Upadhye, learned AGP appearing for the Respondent No.1-State and Mr. Mishra, learned Counsel appearing for the Respondent Nos.2 and 4.
2. Learned Counsel appearing for the Petitioner states that the Respondent No.3 has been served.
3. By the present Writ Petition filed under Article 226 of the Constitution of India, the challenge is to the legality and validity of

order dated 22nd February 2021 passed by the Assistant Charity Commissioner-IX, Greater Mumbai Region, Mumbai below Exhibit-1 in Change Report No.ACC/IX/370/2021. The impugned order dated 22nd February 2021 reads as under:

“This is an inquiry Under Section 22 of the Maharashtra Public Trusts Act, 1950. Perused the documents in the change report and gone through the case papers as well as documents available on record at Exh.2 to Exh.9. Relied upon document on record. I hold that the reported change is legal and valid and can be accepted in the interest of trust and justice. The inquiry is uncontested in nature. Hence, I pass the following order.

ORDER:-

- 1) The change report is allowed.*
- 2) Schedule-I be amended accordingly.*
- 3) No order as to costs.”*

4. It is the submission of learned Counsel appearing for the Petitioner that no reasons are given while passing the impugned order. In view of the said submission, learned Counsel appearing for the Respondent Nos.2 and 4, who are the contesting parties states that the said Respondents have no objection if the impugned order is set aside and the same is remitted to the learned Assistant Charity Commissioner.

5. Accordingly, the impugned order dated 22nd February 2021 passed by the Assistant Charity Commissioner-IX, Greater Mumbai Region, Mumbai below Exhibit-1 in Change Report No.ACC/IX/370/2021 is quashed and set aside and the said Change Report is remanded to the learned Assistant Charity Commissioner-IX, Greater Mumbai Region, Mumbai for fresh disposal in accordance with law.

6. The Writ Petition is disposed of in above terms with no order as to costs.

7. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]