



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 1007 of 2023

Mangal Shikshan Prasarak Mandal, Satari Akola through Secretary
Ganesh S/o Manoharrao Bochare

Versus

The Joint Charity Commissioner, Amravati and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M.Tirukh, Advocate for the petitioner
Ms. Mayuri Deshmukh, AGP for the respondent nos. 1
and 2.

CORAM : ANIL S. KILOR, J.

DATED : 10th APRIL, 2024.

Heard.

2. This matter pertains to de-registration of petitioner Trust by the Deputy Charity Commissioner, Akola in suo-moto enquiry no. 2074 of 2017, vide impugned order dated 10th January, 2020, on the ground that audit report and change report were not submitted.

3. After going through the record, it is evident that Deputy Charity Commissioner, Akola has not given sufficient opportunity to the petitioner to defend its case.

4. Admittedly, the de-registration was done under Section 22(3A)(e) of the Maharashtra Public

Trust Act, 1950. Rule 7 of Maharashtra Public Trust Rules, 1950 (in short hereinafter referred as 'Rules 1950') provides for manner of inquiries and Sub-Rule 3 of Rule 7 of the Rules 1950, deals with public notice of such inquiry.

5. Under Sub-Rule 3 of Rule 7 of the Rules, 1950 modes are given and according to the Deputy Charity Commissioner, Akola, the mode given under clause (b) of Sub Rule 3 of Rule 7 was adopted i.e. by affixing a copy of such notice on the 'Notice Board' of the office.

6. However, there is nothing to show that the petitioner got knowledge about such notice and even nothing has been brought on record why other modes were not adopted in this matter, particularly, looking to the consequence of the de-registration.

7. Interestingly, after passing of the order of de-registration of the petitioner Trust by the Deputy Charity Commissioner, he filed a revision before the Joint Charity Commissioner, Amravati who confirmed the order of the Deputy Charity Commissioner, Akola.

8. The procedure adopted by the Deputy Charity Commissioner, Akola in filing revision against his own order is unknown and surprisingly the Joint Charity Commissioner entertained such revision.

9. Be that as it may, the fact remains that without given sufficient opportunity to the petitioner-Trust, to defend its case, the Trust came to be de-registered.

10. In the circumstances, I am of the opinion that the impugned order needs to be quashed and set aside and one opportunity must be given to the petitioner-Trust to defend its case. Accordingly, I pass the following order.

- i. The writ petition is partly allowed;
- ii. The order dated 23rd May, 2022 passed by the Joint Charity Commissioner, Amravati in Inquiry No. 16 of 2022 and the order dated 10th January, 2020 passed by the Deputy Charity Commissioner, Akola in suo-moto inquiry 2074 of 2017 are hereby quashed and set aside;
- iii. The matter is remanded back to the learned Deputy Charity Commissioner, Akola to decide the suo-moto inquiry No. 2074 of 2017 afresh after hearing the petitioner.
- iv. The petitioner shall appear before the Deputy Charity Commissioner, Akola on **10th May, 2024** at 11 am.

[ANIL S. KILOR, J.]