



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

WRIT PETITION NO. 980 OF 2024

1. Shaikh Maheboob Shaikh Ahmed
President-Indira Gandhi Urdu Education
Society, Lonar, Aged about 68 years, Occ.
Business R/o Sabunpura, Dhar Road, Lonar,
Tah. Lonar, Dist. Buldhana
2. Noor Jahan Begum Hamid Khan
Secretary-Indira Gandhi Urdu Education
Society, Lonar, Aged about 49 years, Occ.
Household & Agriculturist, R/o Goregaon, at
post, Sindkhedraja, Tah. Sindkhedraja, Dist.
Buldhana

...Petitioners

// VERSUS //

1. Assistant Charity Commissioner, Buldhana
2. Abdul Gaffar Sheikh Musa,
aged about 70 years, Occ. Business
R/o Qureshi Moholla, Lonar, Tah. Lonar, Dist.
Buldhana

... Respondents

Shri Kalyan Shiwarkar, Advocate h/f Shri Anand Parchure, Advocate for
the petitioner.

Shri K.R.Lule, AGP for the respondent no.1/State.

Shri P.S.Patil, Advocate for the respondent no. 2.

CORAM : ANIL S. KILOR, J.

DATED : 6th MAY, 2024.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. Heard finally
by consent of the parties.

2. In this writ petition, the challenge is raised to the Order Below Exhibit 14 dated 16th January, 2024, passed by the learned Assistant Charity Commissioner-2, Public Trusts Registration Office, Buldhana in Inquiry No. 23 of 2019, rejecting the prayer of the petitioner to set aside the order of no say dated 24th July, 2023 passed Below Exhibit 1. The reasons for rejection of the application was the delay and as the petitioner did not file the objection along with the application. The learned Assistant Charity Commissioner has further observed that no sufficient reasons have stated in the application to set aside the order of no say.

3. Learned counsel for the petitioners submits that, the earlier counsel has not taken proper care in the matter and because of his mistake, the petitioners should not suffer. It is submitted that now the lawyer is changed and if one opportunity is granted to the petitioners, the petitioners would submit the say.

4. On the other hand, learned counsel for the respondent no.2 strongly opposed the present writ petition and submits that despite sufficient opportunities were granted, the petitioners failed to submit his say.

5. In light of rival contentions of the parties, I have perused the record and the impugned order.

6. After considering the nature of inquiry, the rights of the petitioners involved in this matter and the issues to be decided in this

matter, I am of the opinion that one such opportunity needs to be granted to the petitioners subject to payment of costs. Moreover, if such opportunity is granted, no prejudice would be caused to the other side. Accordingly, I pass the following order.

- i. The writ petition is allowed;
- ii. The Order Below Exhibit 14 dated 16th January, 2024 passed by the learned Assistant Charity Commissioner-2, Public Trusts Registration Office, Buldhana in Inquiry No. 23 of 2019 is hereby quashed and set aside and thereby the application Exhibit 14 is allowed and the petitioners are permitted to submit their say on next fixed date;
- iii. The petitioners and respondent no.2 shall undertake to co-operative the learned Assistant Charity Commissioner-2, Public Trusts Registration Office, Buldhana to complete the inquiry at the earliest;
- iv. The petitioners shall pay costs of Rs.5000/- to the respondent no.2 within one week from today.

[ANIL S. KILOR, J.]