



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

Writ Petition (WP) No. 2720 of 2023

Ghanshyam Shaymrao Kapgate and others

Versus

Vishal Shende, Assistant Charity Commissioner and others

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

Court's or Judge's Order

Shri Akshay Sudame, Advocate for the petitioner.

Shri A.M.Joshi, AGP for the respondent nos. 1 and 3.

Shri P.N.Shende, Advocate for the respondent no.4.

Shri H.S.Chitaley, Advocate for the respondent no.5.

Shri R.D.Karode, Advocate for the respondent no.7.

**CORAM : ANIL S. KILOR, AND
SMT. M.S.JAWALKAR, JJ.**

DATED : 19th MARCH, 2024.

Heard.

2. The only ground raised in this writ petition to the question the validity of election of the Trust held on 5th February, 2023, is that despite the directions by this Court vide judgment dated 3rd February, 2023 to consider the objections, if any, raised by the stakeholder and submitted on 7th February, 2023 before the Assistant Charity Commissioner and to verify the list of members before holding the election, the election was held contrary to the above referred directions issued by this Court vide judgment dated 3rd February, 2023.

3. However, *prima facie*, it appears that the copy of the judgment or the contents of it was not communicated to the Assistant Charity Commissioner on or before 5th February, 2023 and in absence of any knowledge about such directions, the election was held on 5th February, 2023.

4. In that view of the matter without going into the merits of the matter, we are of the opinion that the challenge raised in this present writ petition can be raised by way of objection to the change report filed by the respondent in light of election held on 5th February, 2023.

5. In the circumstances, on a request of the petitioners, we permit the petitioners to withdraw the present writ petition with liberty to raise objection, if any, to the change report.

6. The writ petition is disposed of as withdrawn.

7. Needless to mention here that all points are kept open.

[M.S.JAWALKAR, J.]

[ANIL S. KILOR, J.]