



7819-2023

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 7819 OF 2023

(Smt. Mangla/Kalpana wd/o Manohar Harde Vs. Shri Darshanlal Nandlal Malhotra & Ors.)

WITH WRIT PETITION NO. 6080 OF 2023

(Kalyan s/o Lajuji Dongre Vs. Assistant Charity Commissioner, Bhandara & Ors.)

WITH WRIT PETITION NO. 7039 OF 2023

(Shri Purushottam Panjabrao Shahane Vs. The learned Deputy Charity Commissioner & Ors.)

WITH WRIT PETITION NO. 6647 OF 2023

(Sandipkumar Balwantrao Bachere & Ors. Vs. Assistant Charity Commissioner, Bhandara & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

WP No. 7819/2023

Shri Vijaykumar Paliwal, Counsel for the petitioner.

Shri R.L. Khapre, Senior Advocate with Shri S.D. Abhyankar, Counsel for respondent no.1.

Shri S.B. Bissa, A.G.P. for respondent no.3.

WP No. 6080/2023

Shri N.D. Khamborkar, Counsel for the petitioner.

Shri R.L. Khapre, Senior Advocate with Shri S.D. Abhyankar, Counsel for respondent no.2.

WP No. 7039/2023

Shri A.P. Thakare, Counsel for the petitioner.

Shri S.B. Bissa, A.G.P. for respondent no.1.

Shri N.D. Khamborkar, Counsel for respondent no.2.

WP No. 6647/2023

Shri A.M. Ghare, Counsel for the petitioners.

Shri S.B. Bissa, A.G.P. for respondent no.1.

Shri R.L. Khapre, Senior Advocate with Shri S.D. Abhyankar, Counsel for respondent no.2.

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CORAM : ANIL L. PANSARE, J.

AUGUST 29, 2024.

On previous date, following order was
passed :

“ Adjournment is sought on the count that Mr. Thakare, learned Counsel for Petitioner in Writ Petition No. 7039/2023 is not well. Adjournment is granted.

2. List the Petitions in the week commencing from 26th August, 2024.

3. Interim relief granted in Writ Petition No. 6080/2023 to continue till then.”

2] Mr. Vijaykumar Paliwal, learned Counsel for the petitioner submits that the order passed by the Co-ordinate Bench was challenged before the Hon’ble Supreme Court, which was pleased to relegate the matter back to the High Court. The order of the Supreme Court, however, has been not placed on record and, therefore, I have obtained from the official website of the Supreme Court through ministerial staff.

3] The order dated 22/7/2022 passed by the Supreme Court in Civil Appeal No. 4868/2022 indicate that the view taken by the Co-ordinate Bench has been not upset. The Supreme Court took note that 22 change reports were the subject matter of challenge in the Writ Petition before the High Court and the impugned provisional change report is the one which was filed after the amendment in the Maharashtra Public Trusts Act, 1950 (for short “Act of 1950”).

4] Considering the peculiarity of the situation, the Supreme Court observed that the parties are already contesting before the High Court against number of change reports and, therefore, opined that it will be appropriate if the High Court decides the matter rather

than relegating it to the revisional jurisdiction under Section 70(a) of the Act of 1950.

5] It cannot be, therefore, said that the order passed by the Co-ordinate Bench of this Court, taking a view that appropriate remedy to challenge the order passed under proviso to sub-section (2) of Section 22 of the Act of 1950 will lie before the Joint Charity Commissioner under Section 70(a). In fact, Mr. Paliwal must be aware of this fact and, therefore, ought to have disclosed true and correct verdict of the Hon'ble Supreme Court.

6] In the circumstances, let the petitioners herein approach the Joint Charity Commissioner in terms of Section 70(a) of the Act of 1950.

7] The Writ Petitions are accordingly disposed of in above terms. All questions are kept open.

8] Interim order passed in Writ Petition No. 6080/2023 shall continue for two weeks from today with clear understanding that subsequent extension will be entertained only by the Joint Charity Commissioner, Nagpur, that too on its own merit.

(ANIL L. PANSARE, J.)

Sumit