



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

WRIT PETITION NO.1275 OF 2024

Nitin Pundlik Dhote (Treasurer), Shri Dhyankas Vachanallyaya, Itkheda, Tah. Arjuni (Mor),
Dist. Gondia

-vs-

Assistant Charity Commissioner, Gondia

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri S. D. Abhyankar, Advocate for petitioner.
Ms N. P. Mehta, Additional Government Pleader for respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : March 04, 2024

P. C.

1. Leave to add respondent No.2. Amendment be carried out forthwith.
2. Rule. Rule made returnable forthwith. With consent of counsel for the parties, heard finally.
3. The learned Assistant Government Pleader waives service of notice for respondent No.1. Considering the order proposed to be passed, notice to respondent No.2 is dispensed with as this order is not adverse to the interest.
4. The order impugned is dated 25/09/2023 passed by the Assistant Charity Commissioner, Gondia whereby prayer of the petitioner vide Enquiry Application No.150/2023 made under Section 41A of the Maharashtra Public Trusts Act, 1950 (for short, the Act of 1950) for issuance of directions to hold elections of the Executive Committee of respondent No.2-Trust came to be rejected.

5. The Assistant Charity Commissioner while passing the order impugned dated 25/09/2023 noted that as per Schedule-I the petitioner cannot be said to be the person interested and associated with the Trust who can seek relief of issuance of directions for holding elections under Section 41-A of the Act of 1950.

6. From the extract of record of Schedule-I maintained by Public Trust Registration Office, Gondia (page 11 of the writ petition) the petitioner has demonstrated before us that he was former Treasurer of respondent No.2-Trust as can be inferred from the entry incorporated and certified on 28/08/2019.

7. Apart from above it was the duty of respondent No.1-Assistant Charity Commissioner to verify from Schedule-I and other documents whether the petitioner can be said to be the person interested and associated with the Trust. Even if respondent No.2-Trust has failed to submit audit report, powers are vested into said Authority to direct production of such record from respondent No.2-Trust for its perusal.

8. There appears failure on the part of the Assistant Charity Commissioner to exercise jurisdiction vested in him.

9. That being so, the order dated 25/09/2023 passed on Enquiry Application No.150/2023 is set aside.

10. The petitioner is directed to appear before respondent No.1-Assistant Charity Commissioner, Gondia on 26/03/2024.

11. We expect respondent No.1-Assistant Charity Commissioner, Gondia shall pass appropriate order on Enquiry Application No.150/2023 in the light of the observations made herein above

expeditiously and in any case within a period of eight weeks from 26/03/2024.

12. Rule is made absolute in aforesaid terms with no order as to costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)