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915-WP-518-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 518 OF 2025

Deepak Keshav Tambe

VERSUS

The Deputy Charity Commissioner Beed And Others

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Mr.N. B. Khandare i/by Mr. D. J. Choudhary, Advocate for the Petitioner

Mr. K. N. Lokhande, AGP for Respondent-State.

Mr. P. D. Suryawanshi, Advocate for Respondent Nos. 2 to 5.

CORAM : KISHORE C. SANT, J.

DATE : 8th APRIL 2025

PC :-

1. Heard the learned Advocates for the respective parties for some time.
2. A challenge in this writ petition is to an order dated 26th December 2024 passed by the learned Deputy Charity Commissioner, Beed whereby various change reports filed by the parties against each other came to be rejected. While rejecting the change reports, the learned Deputy Charity Commissioner has even issued a direction to hold the election by giving program on his own. The main challenge raised in this petition is about the direction issued to hold the election while

considering the change reports. This Court has already recorded the submissions in the order dated 13th January 2025.

3. Learned Advocate for the Respondent No. 2 to 5 vehemently submits that the respondents have no objection so far as the prayer to quash and set aside the election program. However, he submits that so far as direction to hold the election is rightly given by the learned authority. There is no election held properly since 2015. It is in view of this fact, the authority has passed an order directing to hold the election. He fairly concedes that the authority could not have given program on its own when there are rules/bye-laws of the society providing the mode and manner of election.

4. On this, learned Advocate submits that when the substantive appeals are pending against the orders passed in change reports, it is against propriety to direct to hold the election to the society. While deciding the change reports, the authority does not have power to direct hold the election. In his submission, the earlier body is elected for the period till 2027. When this is the position, he submits that the order that petition is filed only for limited prayer for setting aside the direction to

hold the election.

5. Learned AGP supports the order submitting that the learned authority has considered the position of the trust and has passed necessary orders. The authority has the power under Section 41-A to pass such orders and no interference is called for.

6. Considering the above position, this Court finds that the appellate authority is seized with the matter. It would not be proper to pass any order on merits or to make any observations on merits. From the submissions of both the sides, it is clear that the learned authority has not directed to hold the election as per bye laws but has given its own program of election. This Court is, therefore, convinced that certainly that part of the order deserves to be set aside only the direction by the learned Deputy Charity Commissioner, Beed to the extent of directing the election is quashed and set aside.

7. The appellate authority is free to decide the appeals against the orders of rejection of change reports.

8. This Court has not made any observations on merits.

9. The appellate authority to decide the appeals independently.

10. The appeals be decided as early as possible and preferably within six months from today.

11. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]