



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

Writ Petition No. 409 of 2019

[Mangesh S/o Pratapsingh Shisode ..vs.. Tejbahadursingh Vijaysingh Shisode
and anr.]

with

Writ Petition No. 410 of 2019

[Mangesh S/o Pratapsingh Shisode ..vs.. Tejbahadursingh Vijaysingh Shisode
and ors.]

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

Court's or Judge's orders

Mr. Anand Jaiswal, Senior Advocate assisted by Ms. R. G. Bajaj and Mr. S. N. Dongre, Advocates for the petitioner
Mr. R. L. Khapre, Senior Advocate assisted by Mr. A. S. Dhore and Mr. Yash Bangale, Advocates for respondent no. 1
Ms. Kirti Satpute, Advocate for respondent nos. 2 and 3 in WP 410/2019
Ms. K. P. Marpakwar, AGP for respondent no. 2 in WP 409/2019 and for respondent no. 4 in WP 410/2019

CORAM : ANIL L. PANSARE J.

DATED : 25-03-2025

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Heard.

2. The petition arises out of change report submitted before the Deputy Charity Commissioner, Amravati, which was registered an Inquiry No. 634/2014. The respondent no. 1 herein has allegedly tendered resignation on 19-4-2014 and resignation was allegedly accepted in the meeting of the executive committee dated 25-4-2014. One Devendra Rameshchandra Shisode is said to be elected as President of the trust.

3. During the course of hearing before the Deputy Charity Commissioner, various issues cropped up, such as, whether the respondent has indeed tendered resignation and whether notice of meeting was duly served etc.

4. Having heard both sides at length, learned counsels for both the sides would admit that the Deputy Charity Commissioner as also the Joint Charity Commissioner have not considered entire evidence on the issues involved. Further, there appears serious dispute as regards amendment to the constitution/bye laws of the trust.

5. Accordingly, it would be appropriate to remand the inquiry back to the Deputy Charity Commissioner for decision afresh in accordance with law which would include rendering finding on the basis of evidence placed before it.

6. All questions are kept open.

7. The writ petition is accordingly partly allowed. The judgment and order dated 27-9-2018 passed by the Joint Charity Commissioner, Amravati Region, Amravati in Appeal No. 2/2018 is quashed and set aside. Needless to say that once the order of Joint Charity Commissioner is set aside, order of Deputy Charity Commissioner will stand set aside having been merged into order passed by the Joint Charity Commissioner. Inquiry No. 634/2014 is remanded back to the Deputy Charity Commissioner, Amravati Region, Amravati for decision afresh in accordance with law. The parties may lead additional evidence. The Deputy Charity Commissioner shall consider the issue as regards amendment to the constitution/bye laws and for that purpose, there will not be necessity to put forth a case in the form of pleadings.

8. Record be sent back.

9. The parties shall appear before the Deputy Charity Commissioner, Amravati Region, Amravati on 22-4-2025.

Writ Petition No. 410 of 2019

10. In view of the above order passed in Writ Petition No. 409/2019, nothing survives in Writ Petition No. 410/2019 because it deals with subsequent/consequential change report and would be dependent on the findings in Inquiry No. 18/2016. Accordingly, the writ petition is also partly allowed. Said inquiry is also relegated back for consideration afresh in accordance with law. The judgment and order dated 27-9-2018 passed by the Joint Charity Commissioner, Amravati Region, Amravati in Appeal No. 4/2018 is quashed and set aside. Needless to say that once the order of Joint Charity Commissioner is set aside, order of Deputy Charity Commissioner will stand set aside having been merged into order passed by the Joint Charity Commissioner. Inquiry No. 18/2016 is remanded back to the Deputy Charity Commissioner, Amravati Region, Amravati for decision afresh in accordance with law. The parties may lead additional evidence. The Deputy Charity Commissioner shall consider the issue as regards amendment to the constitution/bye laws and for that purpose, there will not be necessity to put forth a case in the form of pleadings.

11. Record be sent back.

12. The parties shall appear before the Deputy Charity Commissioner, Amravati Region, Amravati on 22-4-2025.

(Anil L. Pansare, J.)