



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

Civil Application (CAW) No. 204 of 2025

in

Writ Petition No. 4929 of 2017 (D)

[Ramesh Shesharaoji Wanjari and ors. ..vs.. Special Election Officer,
Shri Kshetra Kuntalapur Chandika Devasthan Committee, Katol 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. S. N. Nandeshwar, Advocate for the applicants/petitioners
Mr. S. A. Sahu, Advocate h/f Mr. M. I. Dhatrak, Advocate for respondent
no. 10

CORAM : ANIL L. PANSARE J.

DATED : 11-03-2025

Heard.

2. Vide order dated 11-9-2018, this Court disposed of present writ petition. The challenge was to the order passed by District Judge-6, Nagpur, who dealt with order dated 30-1-2013 passed by the Assistant Charity Commissioner, Nagpur in Enquiry Application No. 1770/2008. The District Judge-6, Nagpur, by judgment and order dated 13-1-2017, remanded the enquiry back to the Assistant Charity Commissioner for conducting fresh enquiry. This Court referred to clause 13 of the scheme dated 31-1-2013 and issued directions to conduct elections.

3. It appears that the elections have been conducted in terms of the order passed by this Court. That being so, the challenge to the election should have been preferred before the Assistant/Deputy Charity Commissioner concerned.

4. The counsel for the petitioners submits that since the directions were given in present writ petition, the applicants have moved this Court by filing present application.

5. This argument, to my mind, would require outright rejection in as much as if the elections were conducted in terms of order passed by this Court, that by itself will not give this Court jurisdiction to try an enquiry which is to be tried before the appropriate authority viz. Assistant/Deputy Charity Commissioner. That apart, the report filed by the Election Officer in terms of direction given by this Court has been also not challenged.

6. The counsel for the petitioners submits that he has challenged the report filed by the Election Officer. He submits that the challenge is in the pleadings. Thereafter, he submits the challenge would find place in the prayer clauses (1) and (2) which read as under :

- “1. That, this Hon’ble Court be please to cancel the Election dated 16.12.2023 of Shri. Kshetra Kuntalapur Chandika Devasthan Committee, Katol being illegal, unfair and denial of opportunity to the petitioners and other objectors.*
- 2. That, further direct the respondent no. 2 to till the pendency of this application not to hand over the charge and account of Shri. Kshetra Kuntalapur Chandika Devasthan Committee, Katol to the newly Elected Managing Committee.”*

7. In context with the prayers, a query was made as to what is the date of report, the counsel submits that report is dated 21-3-2024. This date would not find place in the prayer clauses referred to above. It is thus evident that the report of Election Officer is not challenged. That being so and even otherwise, for the reasons stated earlier, the application is not maintainable and the same is accordingly rejected. No order as to costs.

(Anil L. Pansare, J.)