



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

WRIT PETITION NO.4611 OF 2022

PETITIONER

(Ori. Appellant)

:- Mangesh Pratapsingh Shisode, R/o 70-B, New Pande Nagar, In front of Aadarsha College, Dhamangaon Railway, District : Amravati – 444709.

..VERSUS..

RESPONDENTS

(Ori. Respondents)

:- 1 Tejbahadursingh Vijaysingh Shisode

2 Yogeshwar Vijaysingh Shisode,

3 Nilesh Mukundrao Shisode,

4 Subhash Vijaysingh Shisode,

5 Anjali Tejbahadursingh Shisode,

All R/o Naigaon at Post Mangrul Dastagir, Tq. Dhamangaon Rly, District: Amravati.

6 Namdeo Marotrao Bansod (Dead)

Amendment carried out as per order
dt.11.11.2022. R.6 is deleted

7 Jayant Chandrakant Deshmukh Both 6 & 7 R/o Mangrul Dastagir, Tq. Dhamangaon Railway, District Amravati

8 Joint Charity Commissioner, Amravati

Ms. Radhika G. Bajaj, Advocate for Appellant.

Mr. A. S. Dhore, Advocate for the Respondent No.1.

Ms. Kirti. Satpute, Advocate for respondent Nos.2 to 5 and 7.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **19.12.2025**

ORAL JUDGMENT :

1) **Rule.** Rule made returnable forthwith. Heard finally with consent of learned counsel for the respective parties.

2) The present petition takes exception to order dated 17.02.2022 passed by the learned Joint Charity Commissioner, Amravati in Appeal No.17 of 2020, whereby the said Authority has confirmed the order dated 27.12.2019 passed by the learned Deputy Charity Commissioner, Amravati in Change Report No.622 of 2018, thereby accepting the change report filed by the present respondent no.1 as a reporting trustee in relation to the elections of a registered public trust, named, Datta Shikshan Prasarak Mandal, alleged to be held on 25.11.2018.

3) The learned Advocate for the petitioner states that the petitioner had raised an objection that the subject elections were not held in accordance with the Constitution of the Trust. She contends that the election was held on the basis of alleged amended bye-laws of the Trust, which are stated to be amended in the year 2003. She however, contends that Clause 23 of the original bye-laws was never amended and the original Clause 23 continues to operate

despite the amendment in the bye-laws in the year 2003. It is further contended that the proceedings of the election meeting were not held in accordance with Clause 23 of the original bye-laws and further that the meeting was also not called in accordance with the said provision. She places reliance on order dated 19.09.2024 passed by this Court in Writ Petition Nos.409 of 2019 and 410 of 2019 to contend that in terms of order dated 28.08.2024, this Court had called report from the Joint Charity Commissioner, Amravati, as regards the contention between the parties with respect to the amendment of Clause-23 of the bye-laws and points out that the Joint Charity Commissioner has submitted report dated 03.09.2024, stating that Clause 23 of the original bye-laws was not amended. She thereafter draws attention to order dated 25.03.2025, whereby the said petitions came to be disposed of, directing the learned Deputy Charity Commissioner to decide the issue of resignation of respondent No.1 (Tejbahadursingh Vijaysingh Shisode) stated to be tendered on 19.04.2014.

4) Perusal of the order will demonstrate that while

remanding the matter to decide the issue afresh, this Court has kept all points open and had also directed the Deputy Charity Commissioner to consider the issue with respect to amendment of Clause 23 of the bye-laws, which remains a matter of contention between the parties.

5) In view of the aforesaid, the learned Advocate contends that it will be appropriate that the same course be adopted in the present matter as well and that the learned Deputy Charity Commissioner should be directed to decide the change report afresh having regard to the controversy with respect to amendment of Clause 23 of the bye-laws.

6) Per contra, Mr. Dhore, learned Advocate for respondent No.1 and Ms. Kirti Satpute, learned Advocate for respondent Nos.2 to 5 and 7, oppose the contention. They contend that the orders passed by the learned Authorities do not warrant any interference. They further contend that the notice for meetings of the Trust is required to be issued by the President in view of Clause 24 of the bye-laws, which is admittedly amended.

7) Having heard the submissions as aforesaid, in my considered opinion, it would be appropriate to quash and set aside both the orders impugned in the present petition and direct the learned Deputy Charity Commissioner to decide the change report afresh, particularly, having regard to the contention between the parties with respect to applicability of Clause 23 of the bye-laws and alleged amendment thereto in the year 2003. The said order is required to be passed in view of the report dated 03.09.2024 issued by the Joint Charity Commissioner, expressing an opinion that Clause 23 of the bye-laws was not amended, as also having regard to the course adopted by this Court vide order dated 25.03.2025 in Writ Petition Nos.409 of 2019 and 410 of 2019, which are pertaining to resignation of respondent No.1 (Tejbahadursingh Vijaysingh Shisode) wherein the question of the amendment of the bye-laws falls for consideration.

8) Accordingly, Writ petition is **partly allowed** in the following terms:-

- i. Impugned order dated 17.02.2022 passed by the learned Joint Charity Commissioner, Amravati in

Appeal No.17 of 2020 and order dated 27.12.2019 passed by the learned Deputy Charity Commissioner, Amravati in Change Report No.622 of 2018 are quashed and set aside.

ii The Deputy Charity Commissioner, Amravati, is directed to decide the change report no.622 of 2018 afresh in the light of observations made in the present order.

iii. Parties shall appear before the learned Deputy Charity Commissioner on **05.01.2026**.

iv. The learned Deputy Charity Commissioner to make an endeavor to decide the change report as expeditiously as possible and in any case before 31.05.2026.

v. Needless to mention the change report will be decided after hearing all the concerned.

Rule is made absolute in above terms.

(ROHIT W. JOSHI, J.)