



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 775 OF 2025

Abdul Naim Gulam Nabi

... PETITIONER

Versus

The Joint Charity Commissioner, Amravati
and Others

... RESPONDENTS

Mr. S. M. Vaishnav, Advocate for Petitioner.

Mr. S. B. Bissa, AGP for Respondent Nos.1 and 2.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 05, 2025.

ORAL ORDER

. Heard Mr. S. M. Vaishnav, the learned Counsel for Petitioner and Mr. S. B. Bissa, the learned AGP for Respondent Nos.1 and 2.

2. The challenge is to the order dated 23/1/2025 passed by the Joint Charity Commissioner, Amravati in Revision Petition No. 036/2024, by which, the order dated 21/11/2023 passed by the Assistant Charity Commissioner, Amravati rejecting the prayer of the Petitioner to dismiss the Change Report being Enquiry No. 20/2015 is upheld.

3. The Petitioner intends to rely upon the finding in the earlier proceedings, wherein the finding rendered by the Joint Charity Commissioner, directing 11 founder members of the Trust to hold election of the Executive Committee as per the provisions of constitution of the Trust, was upheld by this Court in Writ Petition Nos.4853/2018 and 2140/2018. According to the

Petitioner, since the proceedings in the earlier round of litigation having attained finality, the subsequent Change Report i.e. Change Report No. 20/2015 will have to be rejected, in as much as, the elected body in the Change Report of 2010, which is responsible for subsequent Change Report has been set aside.

4. In the light of the above, the Petitioner filed application to reject the Change Report No. 20/2015. The Assistant Charity Commissioner as also the Joint Charity Commissioner were of the view that since the Change Report is filed under Section 22 of the Maharashtra Public Trust Act, 1950, necessary enquiry as to its validity will have to be gone into.

5. This approach, to my mind, does not call for any interference, in as much as, if the decision passed in earlier round of litigation has some bearing, the same will be considered by the Assistant Charity Commissioner. However, the enquiry in subsequent Change Report will depend on various aspects, *viz* - the persons who participated in the election, their status and so on. In a given case, even if some members, who ought not to have participated in the election, and if their participation is ignored, the Change Report may stand validated in the light of provisions of constitution of the Trust, and therefore, the detail enquiry under Section 22 is necessary.

6. The approach of the Authorities below appears to be in consonance with the provisions of the Act of 1950. No interference is, therefore, called for in the writ jurisdiction. Writ Petition is dismissed.

(ANIL L. PANSARE, J.)