CGHC010293342021 2026:CGHC:46270

RUCHI YADAV Digitally signed by RUCHI YADAV

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4435 of 2021

1 - Shivdhan Agrawal, S/o Late Ramchandra Agrawal, Aged About 70 Years R/o - Ganjbazar Kharsiya Tahsil - Kharsiya District - Raigarh Chhattisgarh

... Petitioner(s)

versus

1 - The Sub Registrar Public Trust Kharsiya Cum Sdo Revenue Kharsiya District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

2 - The Nayab Tehsildar Kharsiya, District - Raigarh Chhattisgarh

3 - Suresh Agrawal S/o Satyanarayan Agrawal Aged About 52 Years R/o Near Dabhara Road Kharsiya Tehsil - Kharsiya District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

4 - Pawan Agrawal S/o Ganesh Ram Agrawal Aged About 52 Years R/o Station Road Kharsiya Tehsil - Kharsiya District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

5 - Jay Prakash Agrawal S/o Late Kanwar Lal Agrawal Aged About 50 Years R/o In Front Of Government Hospital Kharsiya Tehsil - Kharsiya District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

6 - (Deleted) Murlidhar Agrawal As Per The Hon'ble Court Order Dated 27-06-2022.

7 - Basudev Agrawal S/o Fakirchand Agrawal Aged About 65 Years R/o Laltanki Road Raigarh Tehsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Vivek Pandey, Advocate
For Respondents No. 3,4,5 and 7	:	Mr. Vipin Punjabi, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

02/11/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> “10.1 This Hon'ble Court may kindly be pleased to call the records in relating to the petitioner.
>
> 10.2 The Hon'ble court may kindly be pleased to set-aside the order dated 29/07/2021 passed by the Respondent No. 1 which is in pursuance to the order dated 08/04/2021 passed by Respondent No. 2 in revenue case No. 202008042900005-B-121/2019-2020 (ANNEXURE P-1)
>
> 10.3 That, the Hon'ble court may kindly be pleased to pass an appropriate writ and direction that, the election which has been conducted by the respondent no. 2 without deciding the objection raised by petitioner with regard to the valid trustee, which is illegal and against the Public Trust Act.
>
> 10.4 That, the Hon'ble court may kindly be pleased to direct the respondent no. 1 to follow the provision of 26 of Public Trust Act.

10.5 Any other relief in the discretion of this Hon'ble Court."

2. Brief facts of the case are that Gayatri Pariwar Trust, Kharsia (hereinafter referred to as "the Trust"), was established in the year 1993 vide trust deed dated 05.08.1993 and registered with the Registrar, Public Trust, Raigarh. The petitioner was subsequently appointed as a founder trustee of the Trust. In the year 2016, he was appointed as its Chief Administrator/Manager. During his tenure, he noticed certain irregularities in the functioning of the Trust and raised objections before the other trustees. Thereafter, he approached respondent No. 1 seeking an inquiry into the alleged irregularities and appointment of an administrator to manage the affairs of the Trust. Pursuant thereto, respondent No. 1, vide order dated 08.03.2021, appointed respondent No. 2 as administrator and directed the trustees to convene a meeting and conduct elections for the post of President/Manager under his supervision, while continuing the inquiry into the allegations raised by the petitioner and other trustees.

3. The petitioner alleges that serious irregularities were committed by respondent No. 2 during the election proceedings held on 31.03.2021, including permitting persons who were not trustees to participate and cast their votes. Despite the objections raised by the petitioner, respondent No. 2 submitted his report to respondent No. 1 on 08.04.2021 without addressing the same. Thereafter, respondent No. 1, without affording an opportunity of hearing to the petitioner or considering his objections, vide order dated 30.07.2021, directed the handing over of charge of the Trust, along with its documents and keys, to the newly elected Manager and closed the proceedings without

conducting any further inquiry into the allegations. Hence, the present petition.

4. Learned counsel appearing for the petitioner submits that the impugned order is arbitrary illegal and contrary to the provisions of the Chhattisgarh Public Trusts Act, 1961, as well as the principles of natural justice. It is contended that the objections raised by the petitioner regarding the validity of the trustees participating in the election proceedings held on 31.03.2021 were neither considered nor decided by the respondents. Despite the fact that the petitioner had submitted the original register of minutes of the Trust before respondent No. 1, the impugned order was passed without affording him an opportunity of hearing.

5. Learned counsel further submits that respondent No. 1, while appointing respondent No. 2 vide order dated 08.03.2021, had directed that the inquiry into the allegations raised by the parties would continue. However, without conducting any such inquiry, the proceedings were closed merely on the basis of the election results. It is further contended that respondent No. 1 exceeded his jurisdiction under Sections 22 and 26 of the Act and failed to follow the prescribed procedure despite allegations of misconduct and mismanagement of the Trust.

6. Learned counsel appearing for respondents No. 3, 4, 5 and 7 opposes the submissions made by learned counsel for the petitioner and submits that the election of the President/Manager of the Trust was conducted with the participation of 11 out of the 12 trustees. He, therefore, submits that the election was conducted with the

participation of the majority of the trustees and no interference is warranted with the impugned order.

7. Heard learned counsel for the parties and perused the material available on record.

8. Considering the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it appears that out of the 12 trustees, 11 trustees participated in the election proceedings and elected the President of Gayatri Pariwar Trust, Kharsia. Further, the impugned order was passed as far back as on 29.07.2021 and there is nothing on record to indicate that the effect and operation of the said order was ever stayed by any competent Court. In view of the aforesaid circumstances, particularly the participation of the majority of the trustees in the election proceedings and the fact that the impugned order has remained operative for a considerable period, this Court is not inclined to entertain the challenge to the impugned order at this belated stage.

9. Accordingly, the present petition stands **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi