

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 15441 of 2023

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MUKESHBHAI BHAVANBHAI CHANDARANA

Versus

JOINT CHARITY COMMISSIONER (IN CHARGE)

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Appearance:

MR YOGEN N PANDYA(5766) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 1,10,2,3,4,5,6,7,8,9

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 04/10/2023

ORAL ORDER

1. Heard Mr. Yogen N. Pandya, learned advocate appearing for the petitioners.

2. By way of the present petition, the petitioners herein who are the election officers of the election, pursuant to the general body meeting dated 19.03.2023, are aggrieved by the order passed below Exh.12 dated 10.05.2023, whereby, the respondent – Joint Charity Commissioner allowed the application filed by the private respondent no.2 and directed not to proceed against the provision of the constitution for election amongst the

members of the trust.

3. It was submitted that the order passed below Exh.12, which is the order impugned dated 10.05.2023 amongst to grant of the final relief, in the application filed by the respondent no.2 under Section 41-A of the Bombay Public Trusts Act, 1950, which is duly produced at Page-33.

4. Mr. Pandya, learned advocate placed reliance on the Scheme which is duly produced at Page-26, more particularly relied on Clause-6 with respect to Membership.

5. Considering the aforesaid submissions, issue **NOTICE** returnable on **01.11.2023**.

6. In the meantime, by way of ad-interim relief, the order impugned dated 10.05.2023 passed by the Joint Charity Commissioner – respondent no.1 below Exh.12 is directed not to be acted upon, till the next date of hearing.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

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