

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7717 OF 2015

Machindra s/o Deorao Patil,
Age: 75 years, Occ: Agri.,
R/o. Vitai, Tq. Sakri,
Dist. Dhule & ors.

...Petitioners

versus

The Assistant Charity Commissioner
Dhule, District Dhule.

...Respondent

.....
Mr. Sachin S. Deshmukh, Advocate for petitioners
Mr. B.A. Shinde, A.G.P. for respondent.
.....

CORAM : N.W. SAMBRE, J.

DATE : 7th DECEMBER, 2015

ORAL ORDER :

The Joint Charity Commissioner, Nashik Region, Nashik, while exercising powers under Section 70 of the Bombay Public Trusts Act, 1950 reversed the order passed by the Assistant Charity Commissioner, Dhule Region, Dhule on 17/08/2009 in Inquiry No. 825 of 2009. By that time, the order passed in inquiry referred supra was already given effect by ordering appropriate correction in Schedule-1 maintained under the Bombay Public Trusts Act, 1950. The appeal before the District Judge suffered fate of dismissal. As a consequences of which, the petitioners submits that, till inquiry under Section 22 of the Act is finally decided pursuant to the order of remand by Joint Charity Commissioner, the Assistant Charity Commissioner should have restored entry in Schedule-1 as on the date of filing of the application under Section 22 of the Act.

2. In support thereof, learned Counsel for the petitioners would urge that the application to that effect was already filed before learned Assistant Charity Commissioner, which is pending and not decided.

3. In my opinion, least that was expected by Assistant Charity Commissioner, with whom the Inquiry No. 825 of 2009 is pending, to decide the applications dated 19/12/2013 and 01/12/2014 preferred by the petitioners in the above referred matter.

4. Learned A.G.P., who appears for the respondent, does not dispute above referred factual submissions.

5. In view thereof, it will be in the interest of justice, to direct the respondent authority i.e. Assistant Charity Commissioner to decide the applications dated 19/12/2013 and 01/12/2014 preferred by the petitioners, as expeditiously as possible, in any case, within period of four weeks from the date of receipt of this order. Order accordingly.

6. The writ petition stands disposed of in above terms.

[N.W. SAMBRE, J.]