

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 21459 OF 2014

Shree 1008 Parshawanth Digambar
Jinmandir Trust .. Petitioner
VS.
State of Maharashtra & Ors. .. Respondents

Mr. Manoj Patil for Petitioner.
Ms Vaishali Nimbalkar - AGP for Respondent No. 1.
Mr. R. M. Momin for Respondent No. 2-a.

CORAM : M. S. SONAK, J.
DATE : 12 FEBRUARY, 2015

P.C. :-

- 1] Rule. With consent and at the request of the learned counsels for the parties, Rule is made returnable forthwith.
- 2] The challenge in this petition is to the order dated 3 July 2014 made by the State Government, by which the remark in favour of the petitioner trust has been varied. The learned counsel for the petitioner submits that this variation has been done, without even impleading the petitioner trust as a party to the aforesaid proceedings. The learned counsel for the respondent no. 2-a, at whose behest the impugned order came to be passed, points out that in addition to the petitioner trust there is yet another trust Jain Basti, Kupwad, which has a claim to the property in question. In the aforesaid circumstances, this petition can be disposed of by setting

aside the impugned order dated 3 July 2014 and remanding the matter to the State Government for fresh decision in accordance with law. However, to the proceedings before the State Government, the respondent no. 2-a shall implead not only the petitioner but also the second trust i.e. Jain Basti, Kupwad as respondents. The issue as to whether the State Government has jurisdiction to entertain such a matter is kept specifically open.

3] Parties to appear before the Personal Secretary to the Minister (Revenue) on 2 March 2015 at 3.00 p.m. in order to obtain directions for disposal of the proceedings. On or before the said date, the respondent no. 2-a to effect necessary amendments by way of impleadment of the two trusts.

4] It is clarified that this Court has not expressed any opinion on the merits of the matter. All issues and contentions are left open.

5] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

6] Parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)