

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2377 OF 2014

Narayan Shankar More. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents
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Shri Sandeep M. Phatak for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent Nos.1 and 2.
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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 3RD JULY 2015

PC.

1. Heard learned counsel appearing for the Petitioner and the learned AGP for the First and Second Respondents.

2. The learned counsel appearing for the Petitioner on instructions states that the Application dated 12th August 2013 (Exhibit-C to the Petition) is still pending before the learned Assistant Charity Commissioner, Pune Division, Pune. He submits that by the said Application, the Petitioner has invoked the powers of the learned Assistant Charity Commissioner under Section 41A of the Bombay Public Trusts Act, 1950

3. In view of the aforesaid statement that the Application is pending, we dispose of the Petition by passing the following order.

ORDER :

- (a) We direct the Petitioner to appear before the learned Assistant Charity Commissioner, Pune Division, Pune, before whom the Application dated 12th August 2013 was filed, on 27th July 2015 at 11.00 a.m.;
- (b) The Petitioner shall produce an office copy of the said Application before the learned Assistant Charity Commissioner, Pune Division, Pune. If the said Application has been already decided, a copy of the order passed on the said Application be provided to the Petitioner within two weeks from the date fixed for appearance of the parties;
- (c) If the said Application is still pending, the learned Assistant Charity Commissioner, Pune Division, Pune, shall decide the same as expeditiously as possible in accordance with law;

- (d) It is obvious that before taking action on the basis of the said Application, the learned Assistant Charity Commissioner, Pune Division, Pune, shall hear the Third to Fifth Respondents and all other concerned parties;
- (e) The issue of maintainability of the said Application under Section 41A of the Bombay Public Trusts Act, 1950 is expressly kept open;
- (f) The Petition is disposed of on above terms;
- (g) The learned Assistant Charity Commissioner, Pune Division, Pune to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)