

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.558 OF 2015

Junnar Taluka Shivner Shikshan
Prasarak Mandal, Junnar.

.. Petitioner

Vs

State of Maharashtra and Others.

.. Respondents

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Shri Vilas B. Tapkir for the Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent Nos.1 and 2.

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CORAM : A.S. OKA & A.PBHANGALE, JJ

DATED : 9TH APRIL 2015

P.C.

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

2. It is pointed out that the Application made under Section 50A(3) of the Bombay Public Trusts Act, 1950 is pending before the Joint Charity Commissioner, Pune. The contention in the Petition is that though the Application is of the year 2009, the same is not being heard expeditiously. It is stated that an Application has been made by the Petitioner before the Joint Charity Commissioner with a prayer to give priority to the hearing of the same Application.

3. A judicial notice will have to be taken of the fact that in the offices of the Joint Charity Commissioner, Deputy Charity Commissioner

and the Assistant Charity Commissioner in the State and especially in the City like Pune, there is huge pendency. Therefore, it is for the Joint Charity Commissioner to decide which case deserve to be given priority.

4. Therefore, we are unable to issue a writ as prayed for. However, the Application made by the Petitioner for expediting the hearing of the Application will have to be decided by the Joint Charity Commissioner.

5. Hence, we pass the following order.

ORDER :

- (a) The learned Joint Charity Commissioner, Pune, shall hear and decide the Application made by the Petitioner for expediting the hearing of the pending Application;
- (b) Appropriate order shall be passed on the said Application within a period of six weeks from the date on which an authenticated copy of this order is produced before the learned Joint Charity Commissioner;

- (c) We make it clear that it is for the learned Joint Charity Commissioner to decide whether priority deserves to be given to the Application in question;
- (d) The Writ Petition is disposed of.

(A.PBHANGALE, J)

(A.S. OKA, J)