

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10100 OF 2016

Shyam S/o Kisanrao Khabale & others	Petitioners
Versus	
Smt. Sarika Narsingh Jadhav and others	Respondents

Mr.N.B. Khandare h/f Mr. K.K. Kulkarni advocate for the petitioners
Mr. S.S. Dande, AGP for State

WITH
WRIT PETITION NO.10064 OF 2016

Balkrushna S/o Rameshwar Gursale	Petitioner
Versus	
Shyam Kisanrao Khabale and others	Respondents

Mr. D.J. Choudhary Advocate for the petitioners
Mr. S.S. Dande, AGP for State

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ

(Date : 13th October, 2016.)

PER COURT :-

1 The respondent presented an application under section 41-A, seeking directions in respect of management of the trust and said application is registered as Enquiry No.514/2016. Ad interim relief order passed below Exh.29 is the subject matter of challenge in the instant writ petition.

2 It is pointed out that there are three applications, seeking interim orders presented at Exhibits 8, 21 and 29 in Enquiry Application No.514 of 2016. The Assistant Charity Commissioner has issued order, confirming the order passed below Exh.21 until the disposal of the change report proceedings pending before him by an order dated 30.8.2016.

3 Counsel appearing for the petitioners claim that it may take long time for dealing with the Change report proceedings and by virtue of issuance of interim order, in the proceedings initiated under section 41-A of the Bombay Public Trust Act, it is impermissible for the Assistant Charity Commissioner to issue such orders.

4 It is not a matter of dispute that the Enquiry Proceedings No.514/2016 is pending and has not yet been finally decided. It would be logical and practicable, therefore, for the Assistant Charity Commissioner to deal with the Application under section 41-A registered as Enquiry No.514/2016 at the earliest before dealing with the Change Report proceedings.

5 The Assistant Charity Commissioner, is thus directed to decide the Enquiry No.514/2016 as expeditiously as possible and preferably within a period of six weeks from today. While dealing

with the application - Enquiry Proceeding No.514/2016, the Assistant Charity Commissioner shall not be influenced by the observations made by him while issuing ad interim orders below Exh.8, 21 and 29 and shall deal with the matter independently on consideration of contentions those would be raised by the respective parties. The In-charge Principal who is looking after the affairs of the College shall continue to conduct the administration in th meanwhile, subject to the final orders those would be passed by the Assistant Charity Commissioner. Both the parties shall not take any policy decision, affecting the management of the college.

6 With the directions as above, both the writ petitions stand disposed of.

7 Pending Civil Application, if any, does not survive and stands disposed of.

(K.K. SONAWANE, J)

(R.M.BORDE, J)