

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9007 OF 2015

Ravindra Soma Gurav .. Petitioner
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Nilesh R. Pandey for Petitioner.
Mrs. V. Nimbalkar – AGP for Respondent No. 1.
Mr. M. L. Patil for Respondent Nos. 2a to 2g.

CORAM : M. S. SONAK, J.
DATE: 11 JANUARY 2016

P.C. :-

1] The challenge in this petition is to the order dated 6 December 2013 made by the Assistant Charity Commissioner, Ratnagiri.

2] Although the petitioner chooses to call the impugned order, as 'order', upon perusal of the same, it is clear that the same is on a report submitted by the Assistant Charity Commissioner to the Joint Charity Commissioner for action in terms of Section 39 of the Bombay Public Trusts Act, 1950 (said Act).

3] Mr. Patil, the learned counsel appearing for the respondent nos. 2a to 2g, has submitted that action under Section 39 of the said Act is yet to be taken by the Joint Charity Commissioner on the basis of report dated 6 December 2013.

4] There is no question of entertaining the petition against a report, particularly as action on the basis of such report is yet to be taken by the Joint Charity Commissioner in terms of Section 39 of the said Act. Before any action is taken by the Joint Charity Commissioner, no doubt, the parties who are likely to be affected, which might include the petitioner, will be afforded an opportunity of hearing. At this stage, it is always open for the petitioner to raise whatever legal objections as may be available to him, including *inter alia* objections to a report dated 6 December 2013. There is no necessity to entertain this petition.

5] That apart, though the report which is impugned in this petition is dated 6 December 2013, this petition came to be filed only in September 2015. At least in the petition, there is no explanation for the inordinate delay in the institution of this petition. This is an additional ground as to why there is no necessity to entertain this petition.

6] Mr. Patil has made reference to a letter dated 15 March 2013 addressed by the petitioner. In the said letter the petitioner has claimed that he is neither a trustee of the trust nor member of the society and he is unnecessarily been involved in the affairs of the

trust and the society. At this stage, there is no necessity to make any observations upon this communication.

7] Suffice to state that there is no case made out for entertainment of the present petition. This petition is therefore dismissed. There shall be no order as to costs.

8] It is made clear that this Court has not adverted to the merits of the matter and therefore all contentions of all parties on the merits of the matter are left open for adjudication by the appropriate authority at the appropriate stage.

9] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)