

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2878 OF 2016

Pundlik s/o. Deoraoji Ughade and another

-vs-

Kishor Laxmanrao Futane and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.V.K.Paliwar, Counsel for the petitioner.
Mr.A.M.Ghare, Counsel for respondent no.1
Ms Kalra, AGP for respondent no2.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 14.06.2016.

Heard.

By this Writ Petition, the petitioners challenge the interim order passed by the Joint Charity Commissioner, Nagpur dated 6th May, 2016 rejecting the prayer made by the petitioners for interim direction restraining the respondent no.1 from allotting the agricultural land to the third party in the absence of the resolution of the majority of the Trustees on Schedule I.

On a perusal of the impugned order, it appears that the Joint Charity Commissioner has rejected the application seeking interim relief in an application under Section 41-A of the Maharashtra Public Trusts Act, 1950 on the ground that the lands were already leased out by the respondent no.1 for the year 2016-17, rightly or wrongly. The Joint Charity Commissioner held that the prayer made by the petitioners became infructuous as the petitioners had sought an injunction restraining the respondent from leasing the land and the land was already leased out. In the circumstances of the case, it would not be proper to interfere with the impugned order in exercise of the Writ jurisdiction, specially when the order is an interim order and not

a final order passed under Section 41-A of the Act.

We, therefore, dispose of the Writ Petition with no order as to costs. The petitioners are, however, free to make appropriate changes/amendments in the application under Section 41-A of the Act so that the question that is sought to be agitated by the petitioners could be decided.

The Joint Charity Commissioner is directed to decide the application filed by the petitioners as early as possible and positively before 30th November, 2016 as there is a possibility that the property would be again leased out in the year 2017-18.

Order accordingly. No costs.

JUDGE

JUDGE