

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL NO. 28 OF 2009

IN

WRIT PETITION NO. 6226 OF 2008

WITH

CIVIL APPLICATION NO. 2182 OF 2009

Arun Soniram Shinkar and another

.. **Appellants**

Versus

State of Maharashtra and others

.. **Respondents**

Shri V. D. Sapkal h/f Shri R. A. Tambe, Advocate for the Appellants.

Mrs. R. P. Gour, A.G.P. for Respondent No. 1.

Shri V. B. Jadhav h/f Shri A. V. Hon, Advocate for Respondent No. 4.

Shri S. M. Godsay, Advocate for Respondent Nos. 4 to 7. (Absent)

Shri P. S. Dighe h/f Shri R. L. Kute, Advocate for Respondent No. 8.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **24th November, 2017**

PER COURT :

1. The present Letters Patent Appeal is filed against the order refusing interim relief to the petitioner in Writ Petition No. 6226 of 2008.

2. The Writ Petition No. 6226 of 2008 is filed by the present appellants against the rejection of an application under Section 36 of the erstwhile Bombay Public Trusts Act (now Maharashtra Public Trust Act).

3. It is the contention of the present appellants that he had parted with the entire amount of the transaction and subsequently the permission is refused. In the present appeal this court on 31st August, 2010, passed the following order:

“1.....

2. Until further orders interim relief in terms of the Prayer clause “A” subject to condition that the applicants shall not be entitled to use subject property or create third party interest in the subject property of whatsoever nature.”

4. We have heard Mr. Sapkal h/f Mr. Tambe, learned advocate for the appellants, Mr. Jadhav h/f Mr. Hon, learned advocate for respondent No.4 and Mr. Dighe h/f Mr. Kute, learned advocate for the contesting respondent No. 8. None appears for respondent Nos. 4 to 7.

5. Considering the fact that the interim order is in force since 31st August, 2010, and the said order would takes care of protecting the property and as the writ petition is already admitted we are continuing the interim order passed on 31st August, 2010, till the disposal of Writ Petition No. 6226 of 2008.

6. With this direction the Letters Patent Appeal stands disposed of. No costs.

7. In view of disposal of Letters Patent Appeal, the civil application also stands disposed of.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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