

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO.1351 OF 2017

Gajanan P. Bherde, Founder Member
and Ex-joint Secretary ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Rahul Shivaji Kadam for the Petitioner.
Mr. Manish Pabale, AGP for the Respondent/State.

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI, JJ.
DATE : 31st January 2017.**

P.C.:

. Not on board. Taken on board.

2. Heard the learned counsel appearing for the Petitioner.

3. The prayer in this Petition is under Article 226 of the Constitution of India for issue of a writ of mandamus directing the learned Joint Charity Commissioner, Mumbai to dispose of pending Application No.10 of 2014 and Suo Motu Application No.431 of 2016 under section 41-D of the Maharashtra Public Trust Act, 1950 within a period of 3 months from today. Reliance is placed on a circular dated 11th March 1986 issued by the learned Charity Commissioner fixing upper limit for disposal of various categories of cases.

4. According to the said circular, the upper limit for disposal of cases under section 41D is 1½ years. Firstly, as far as Suo Motu Application No.431/2016 under section 41D is concerned, the period of 1½ years has not expired. Secondly, after 1986, the situation has drastically changed in the offices of the Charity Commissioner in the

State. The filing has increased manifold and so is the pendency. The proceedings under section 41D are quasi judicial proceedings. The learned Joint Charity Commissioner is aware of the urgency involved in the said proceedings.

5. If the Petitioner is of the view that the proceeding is being delayed, he can file an application before the Joint Charity Commissioner and seek appropriate relief.

6. Subject to what is observed above, Writ Petition is rejected.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)