

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

WRIT PETITION NO.1236 OF 2015

Shri. Vijay Balkrishna Pusalkar and another ..Petitioners
Versus

**Assistant Charity Commissioner 2, Pune
and others**

..Respondents

Mr. A. G. Damle, Senior Advocate a/w Mr. Sandesh Shukla, Mr. Vivek Patil i/by Vivek Patil & Associates for the Petitioners.

**Mr. R. S. Apte, Senior Advocate a/w Mr. P. D. Pise for the Respondent
Nos.3 & 5.**

Mrs. V. S. Nimbalkar, AGP for the Respondent No.1.

CORAM : R. M. SAVANT, J.
DATE : 6th MARCH, 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 21.10.2013 passed by the Assistant Charity Commissioner, Pune Division, Pune. By the said order the application filed by the Administrative Officer of the Respondent No.5 – Trust came to be allowed and resultantly, permission came to be granted to operate the Bank account to the effect payments to be made to the employees and the payments to be made to the Municipal Corporation etc. The Bank account was permitted to be operated by one Mr. Prithviraj Sayaji Deshmukh who claims to be the Chairman and advocate Mr. Vivek Kulkarni who according to the Respondent Nos.3 and 5 is also a member of the Board

of Control of the Trust. It appears that there are inter-se disputes between two groups as regards the trusteeship of the Respondent No.5 – Trust which was affecting the day to day functioning of the Trust and the payments to be made by the Trust. It is in the said circumstances that the application came to be filed by the Administrative Officer Mr. Bajirao Jadhav, which by the impugned order has been allowed by the Assistant Charity Commissioner, Pune Division, Pune.

2 The said order can be said to be referable to the administrative step taken by the Assistant Charity Commissioner to see to it that the payments are made to the employees as also the statutory payments to various authorities like the Pune Municipal Corporation etc. The instant Petition has been filed in February 2015 i.e. a good one year and four months after the said order came to be passed. In the above Petition there is also no ad-interim relief operating and therefore the order is being operated for the last almost four years. In my view, therefore, no case for interdiction in the writ jurisdiction of this Court is made out at this stage. However, it would be open for the Petitioners to file an appropriate application/Appeal questioning the said order dated 21.10.2013 before the concerned authority or even seek variation etc. of the said order. If any such application is filed, needless to state that the same would be tried on its own merits and in accordance with law. The

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Writ Petition is accordingly dismissed.

3 Needless to state that all the contentions of the parties are kept open for being urged before the concerned authority.

[R.M.SAVANT, J]