

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

WRIT PETITION NO. 3870 OF 2018

Shri Saint Namdev Mandir Sansthan,
Narsi (Namdev), Tq. & Dist. Hingoli,
through its Vice-President
Bhikaji S/o. Bhimashankar Kirtankar

....Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

.....
Mr S. S. Londhe, Advocate h/f Mr A. G. Godhamgaonkar, Advocate
for the petitioner
Mrs M. A. Deshpande, AGP for respondents No. 1 to 3
Mr S. G. Nandedkar, Advocate for Caveator
.....

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 8TH JUNE, 2018.

PER COURT:-

1. It is informed that, respondent No. 9 has objected for continuance of proceedings before the Jt. Charity Commissioner, Aurangabad and has tendered a transfer application. As a result of pendency of transfer application, the Jt. Charity Commissioner, Aurangabad has refrained from passing any order on the application seeking interim relief presented by the petitioner herein and has not dealt with the application. It is further informed that, the Charity Commissioner, Mumbai has posted the transfer application in the

month of July-2018. The petitioner contends that, considering the urgency of the situation, appropriate directions need to be issued for expeditious disposal of the appeal presented by the petitioner as well as the application seeking interim relief. Since the application seeking transfer of matter is pending before the Charity Commissioner at Mumbai, it is desirable that the Charity Commissioner shall deal with the application for transfer, expeditiously. It also must be noted that though respondent No. 9 has not appeared in the proceedings of appeal before the Jt. Charity Commissioner, Aurangabad or before this Court in spite of service of notice, has opted to file an application seeking transfer of the matter. The Charity Commissioner, Mumbai shall examine the contentions of respondent no. 9 and the *bona fides* in tendering the application for transfer and shall deal with the application in accordance with the provisions of the law.

2. Considering the urgency in the matter, the Charity Commissioner, Mumbai, shall decide the pending application for transfer of the matter, as expeditiously as possible, preferably within two weeks from today. After the decision on the transfer application, the appellate authority to whom the matter would be assigned, shall deal with the application for interim relief within two weeks from the date of the order of the Charity Commissioner, Mumbai and shall also

ensure final disposal of the appeal presented by the petitioner within four months from the date of the order of the Charity Commissioner, Mumbai.

3. The parties before us undertake to cause appearance before the Charity Commissioner, Mumbai, on 12.06.2018. The Charity Commissioner shall take all the necessary steps for disposal of the transfer application within the time frame prescribed as above. The petitioner shall communicate this order to respondent no. 9, who has presented the transfer application at Mumbai, so as to facilitate him to cause appearance before the Charity Commissioner, Mumbai, on 12.06.2018.

4. In view of the above, the writ petition stands disposed of.

5. Office to transmit the copy of this order to the Charity Commissioner at Mumbai.

6. Parties to act upon authenticated copy of this order.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE