

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

WRIT PETITION NO. 3270 OF 2018

1. Revansiddha Mahadevayya Hiremath
Age: 40 yrs, Occu: Service,
R/o: Bardapur, Tq. Ambejogai
Dist. Beed.
2. Rudramani Mahadevayya Hiremath
Age: 34 yrs, Occu: Service,
R/o: Bardapur, Tq. Ambejogai
Dist. Beed. ..Petitioners

Versus

1. The Assistant Charity Commissioner, Beed
Tq. Dist. Beed
2. Dr. Prabhuappa Ramlingappa Chaudhari,
Age: 78 yrs, Occu: Medicine,
R/o: Manthale Nagar, Latur,
Tq. Dist. Latur.
3. Prabhakar Digambarappa Tondare,
Age: 80 yrs, Occu: Agri,
R/o: Nagapur, Tq. Parli,
Dist. Beed.
4. Mallikarjunappa Shankarappa Halkude,
Age: 72 yrs, Occu: Agri,
R/o: Renapur, Tq. Renapur,
Dist. Latur.
5. Babuappa Ramappa Khobre,
Age: 72 yrs, Occu: Agri,
R/o: Renapur, Tq. Renapur,
Dist. Latur. ..Respondents

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Mr. C.V. Dharurkar, Advocate for Petitioners.
Mr. V.S. Badakh, AGP for Respondent/State.
Mrs. Anjali Dube, Advocate for Respondent Nos. 2
to 5.

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**CORAM : R.M.BORDE AND
A.M.DHAVALA, JJ.**

DATE: 10th July, 2018

**ORAL JUDGMENT:
(per R.M. Borde, J.)**

. Heard.

2. Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.

3. It has not been disputed before us that the order has been passed by the Assistant Charity Commissioner on 16.03.2018 in the absence of advancement of arguments by the petitioners herein. It is contended by the respondents that the petitioners have availed of the opportunity to put forth their contentions before the Assistant Charity Commissioner on almost all the dates prescribed in the matter. However, on the date for advancement of arguments, the petitioners remained absent and the matter has been decided on the basis of the material placed on record by the

Assistant Charity Commissioner. Since, it has not been disputed before us that the arguments on behalf of the petitioners herein were not heard by the Assistant Charity Commissioner, the ends of justice would be met if, the petitioners are extended an opportunity to put forth their contentions before the Assistant Charity Commissioner before the concerned authority takes a final decision in the matter.

4. The counsel appearing for the petitioners has contended that a transfer application has been moved by the petitioners to the Joint Charity Commissioner at Latur and the same is pending. The respondents herein, who are the respondents before the Joint Charity Commissioner also, shall cause their appearances before the concerned authority on 13.7.2018. The Joint Charity Commissioner shall after hearing the parties, take a decision on the application tendered by the petitioners seeking transfer of the matter by 20.07.2018. The authority to whom the matter would

be entrusted by the Joint Charity Commissioner shall take a decision in the Inquiry Proceeding No. 5 of 2018 as expeditiously as possible, preferably within a period of three weeks i.e. 31.07.2018.

5. It is clarified that we have not expressed any opinion as regards the merits of the application seeking transfer of the matter presented by the petitioners before the Joint Charity Commissioner and it would be open for the Joint Charity Commissioner to pass appropriate orders in accordance with provisions of law. It is also clarified that the parties shall have liberty to raise all the contentions available in law in Inquiry Proceeding No. 5 of 2018. The order impugned in this petition stands quashed and set aside.

6. The direction recorded in the order dated 16.03.2018 in respect of the deposit of amount received towards the donation in the nationalized

bank account and further that the aforesaid amount shall not be withdrawn till an appropriate decision is taken in Inquiry Proceeding No. 5 of 2018 and shall remain operative, subject to the final order, those may be passed in Inquiry Proceeding No. 5 of 2018.

7. Rule is made absolute to the extent as specified above.

8. There shall be no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE

Mujaheed