

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

**CIVIL APPLICATION NO. 5973 OF 2018
IN
WRIT PETITION NO. 9952 OF 2016**

Kedarnath Narayandas Dayama .. Applicant

Versus

The Deputy Charity Commissioner
Jalgaon and another .. Respondents

Shri Bhausahab S. Deshmukh, Advocate for the Applicant.
Mrs. M. A. Deshpande, Addl.G.P. for the Respondent No. 1.
Shri V. D. Gunale, Advocate for the Respondent No. 2.

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

DATE : 31ST AUGUST, 2018.

FINAL ORDER :

. Mr. Deshmukh, the learned counsel for the applicant submits that, as per the Constitution of the Trust and the change report pending, the applicant is the only trustee empowered to officiate, so also to conduct the Navratri festival. Last year the Municipal Corporation erroneously negated the contention of the applicant and granted permission in favour of third person. The applicant seeks directions against the Corporation to allow the applicant and his elected body to conduct the Navratri festival.

2. The authority where the dispute/change report proceedings are pending, would be competent to consider the grievance of the applicant. The applicant has already filed an application with the Municipal Corporation seeking permission to conduct the Navratri festival.

3. It is submitted that, the copy of the same is also marked to the office of the Deputy Charity Commissioner. The applicant may file an independent application also with the Deputy Charity Charity Commissioner to that effect. The Deputy Charity Commissioner and the Corporation shall take decision upon the same on or before 20th September, 2018 positively after following due procedure as per the bye-laws/constitution of the trust and considering all other aspects of the matter and hearing parties interested. The civil application is disposed of.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18