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

951. WRIT PETITION No. 5439 of 2018

Vinod Purushottam Namjoshi,
Kothrud, Pune 411 038 … Petitioner
Versus
The Joint Charity Commissioner,
Pune Region, Pune and others … Respondents

WITH
951. WRIT PETITION No. 5881 of 2018

Sanjay Shivaji Kshirsagar and
Shree Datta Devasthan Trust … Petitioners
Versus
The Joint Charity Commissioner,
Pune Region, Pune and others … Respondents

Mr. V.A. Shastry, Advocate for petitioner in WP No. 5439/2018 and
Mr. S.V. Natu, Advocate for petitioners in W.P. No. 5881/2018 and respondents No. 4 to 9 in W.P. 5439 of 2018.
Mr. S.B. Pulkundwar, Asstt. Govt. Pleader for respondent No. 1 in both petitions
Mr. S.P. Shah, Advocate for respondents No.2 and 3 in both petitions

Coram : N.M. Jamdar, J.

Date : 24 November 2018.

ORAL ORDER :

1. Heard the learned Counsel for the parties.

2. By both the petitions, the petitioners have challenged the orders passed by the Joint Charity Commissioner, Pune Region, Pune, dated 31 May 2018 rejecting the applications below Exhibits No. 25, 33 and 40 in Application No. 54 of 2017.

3. The petitioners are trustees of respondent No. 9, a registered Public Trust. The respondents had filed an application under Section 41E of the Maharashtra Public Trusts Act raising certain grievances and alleging misappropriation and financial irregularities. It is in these proceedings that the petitioners have filed an application taking various grounds in respect of the locus of the applicants, maintainability of the original application and amended reliefs. According to the learned Counsel for the petitioners, these grounds which go to the root of the application, have been taken up by the petitioners so as to ensure that needless proceedings are not conducted before the Charity Commissioner. According to the petitioners, the points which were raised going to the root of the matter, were expected to be considered by the Charity Commissioner, have not been decided by the impugned order.

4. The learned Counsel for the respondents submitted that the inquiry before the Charity Commissioner is not yet concluded, nor final order is passed and the only attempt of the petitioners is somewhat to stall the inquiry.

5. Considering the scope of Section 41E and object thereof, I am of the opinion that it will be appropriate if the Charity Commissioner is permitted to proceed with the inquiry as per law and all objections which the petitioners have raised and are available for the petitioners in law and facts are kept open to be considered by the Charity Commissioner at the time of hearing of the inquiry.

6. The learned Counsel for the petitioners submitted that these grounds also be kept open at the time of hearing on interim relief. The scope of the inquiry as regards interim order is settled, and no doubt the Charity Commissioner will keep in mind concept of prima-facie case, balance of convenience and such other grounds which are available and material in this inquiry.

7. The learned Counsel for the parties make a joint request for early disposal of the proceedings pending before the Charity Commissioner. Considering the facts and circumstances, it would be appropriate that the dispute is settled at the earliest. The Charity

Commissioner will make an endeavour to dispose of the same within a period of one year from today.

8. Both the writ petitions are accordingly disposed of keeping all contentions of the parties open at the time of hearing irrespective of the order impugned in this petition.

N.M. Jamdar, J.