

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

**WRIT PETITION NO. 9952 OF 2016
WITH CA/12351/2018 IN WP/9952/2016**

**KEDARNATH NARAYANDAS DAYAMA
VERSUS
THE DEPUTY CHARITY COMMISSIONER JALGAON AND ANOTHER**

Mr.B.S.Deshmukh, Advocate for the petitioner
Mr.V.D.Gunale, Advocate for respondent No.2

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 09.10.2018**

P.C. :-

Mr.Deshmukh, learned counsel submits that the respondent Municipal Corporation did not abide by the order of this Court directing them decide the application of the petitioner by 20th September. They have deliberately postponed the decision to 8th October. Mr. Kisanlal Purohit is not at all concerned with the management as on date.

2. We have heard Mr.Gunale, learned counsel for respondent No.2.

3. It appears that for the last year the permission was granted by the Corporation to Kisanlal Purohit. This year also they are granted permission to him. Passing any order in favour of the petitioner would amount to passing the adverse order against Mr. Purohit in his absence. The same may not be permissible under

law. The festival will start from 10th October 2018.

4. Considering that this problem crops up every year and the reason is that the change report proceedings are not yet decided, it be appropriate for us to pass the following order.

5. It is further submitted that the evidence in the change report proceeding has already commenced.

6. In light of that the office of the respondent No.1 shall decide the change report proceeding bearing No.572 of 2016 within a period of six months from today.

7. With these observations the Writ Petition stands disposed of. It is made clear that we have not decided upon rights of this parties to conduct the Navratri Festival.

8. In view of disposal of Writ Petition, the Civil Application is disposed of.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]