

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3900 OF 2018

Janta Shikshan Sanstha, Dapodi, Pune & Ors.	..	Petitioners
Versus		
Ajit Subhash Kashid & Ors.	..	Respondents

Mr.Rajendra V. Pai a/w Mr.Akshay R.Pai, Ms.Nikita K. Dharmesh i/by
Mr.Dilip Bodake for the petitioners.

Mr.Sandeep M.Phatak for the respondent no.1.

Mr.S.D. Rayrikar, AGP for the respondent no.7-State.

CORAM : R.D. DHANUKA, J.

DATE : 6th April 2018

P.C.:

. Learned counsel for the respondent no.1 raises preliminary objection of maintainability of this petition on the ground that the order is passed by the authority under Section 41E(3) read with Section 2(3) of the Maharashtra Public Trusts Act, 1950 and appeal is provided under Section 41 E(5) of the said Act.

2. Mr.Pai, learned counsel for the petitioner, on instructions, seeks liberty to withdraw this petition with liberty to file an appeal under Section 41E(5) of the said Act before this Court as defined under Section 2(4) within two weeks from today.

3. In view of the statement made by the learned counsel for the petitioner seeking liberty to withdraw this petition with liberty to file an appeal, direction issued by the learned Joint Charity Commissioner, Pune Division, Pune on 9th February 2018 and more particularly paragraph 3

to hold election of the Governing Council of the trust is extended by a period of three weeks from today.

4. Writ petition is dismissed as withdrawn with liberty as prayed. No order as to costs. This Court has not expressed any views on merits of the matter. All contentions of both the parties are kept open.

R.D. DHANUKA, J.