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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13531 OF 2017

Nakhuda M.A. Rogay & Ors.	...Petitioners
V/s.	
Joint Charity Commissioner (I) & Ors.	...Respondents

Mr.S.M. Gorwadkar, Senior Counsel with Mr.Niranjan Mogre i/b
Mrs.Sana Y. Baugwala for the Petitioners.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.1.

Mr.J.S. Kini i/b Mr.Suresh Dubey for the Respondent No.2.

Mr.Vishal Kanade i/b Ms.Sunila Chavan for the Respondent No.3.

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2018.

P.C. :-

1. Mr.Kini, learned counsel appearing for the respondent no.2 and Mr.Kanade, learned counsel appearing for the respondent no.3 on instructions seek liberty to withdraw Application No.23 of 2012 which was jointly filed by their respective clients under section 41-E of the Maharashtra Public Trusts Act, 1950. Mr.Gorwadkar, learned senior counsel appearing for the petitioners has no objection if the said application is allowed to be withdrawn. The statements made by the learned counsel are accepted. In view of the withdrawal of

Application No.23 of 2012, the impugned order dated 22nd March, 2017 passed below Exhibit 11 does not survive. The writ petition is accordingly disposed of in aforesaid terms.

2. It is made clear that if and when a proper application is made by the persons having interest in the trust under section 2(10) of the Maharashtra Public Trusts Act, 1950, the same can be entertained by the Joint Charity Commissioner. No order as to costs.

(R.D. DHANUKA, J.)