

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

902 CIVIL APPLICATION NO.5076 OF 2019  
IN WP/9423/2018

SAKHARAM DIGAMBARRAO MAHAJAN  
VERSUS  
PRAKASH VINAYAKRAO DOIPHODE AND OTHERS

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Advocate for Applicant : Mr. S.M. Kulkarni  
AGP for Respondents 1 to 5 in WP : Mr. A.M. Phule  
Advocate for petitioner in WP : Mr. V.G. Salgare

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**CORAM : T.V. NALAWADE AND  
SUNIL K. KOTWAL, JJ.**

**DATED : 18/04/2019.**

**ORDER :**

1. The application is filed for review of the order made by this Court on 28.2.2019 in Writ Petition No. 9423/2018. Heard the learned counsel for applicant. The applicant was respondent No. 6 in the aforesaid writ petition.

2. The present applicant has a grievance in respect of some observations made by this Court in the order dated 28.2.2019 and they are as under :-

"However, to make it clear that the procedure should be inclusive and the Assistant Charity Commissioner should not get prejudiced by the submission which is made by the present respondent No. 6, this Court is observing that

the Assistant Charity Commissioner should consider only the interests of the institution-Trust and not the individual interest.”

These observations are made by this Court as present applicant, respondent No. 6 of the writ petition was controlling the things though under the order made by the Joint Charity Commissioner. This Court has considered the powers given to Assistant Charity Commissioner under the Maharashtra Public Trust Act, 1950 like powers given under section 47 and 50-A(1) of the aforesaid Act and it was held that the Assistant Charity Commissioner has wide powers in such cases and he can start *suo-motu* proceeding. This was done intentionally and previous orders were of interim nature. Even the order was made by the learned Assistant Charity Commissioner in favour of the applicant on 4.6.2018 was interim arrangement and in view of these circumstances and to come out of this situation and to have finality, some observations are made by this Court of aforesaid nature. This Court sees no reason to review that order. The application stands dismissed.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]