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

WRIT PETITION NO.4618 OF 2019

1. Dilip s/o Prabhakar Kakade,
Age: 58 years, Occu: Business,
R/o. 1, Outram Road,
Opp. Tarakpur Bus Stand,
Tarakpur, Ahmednagar
2. Pradeep Joseph Takwale,
Age: 60 years, Occu: Social Work,
R/o Shantipura, Chhawani,
Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Charity Commissioner,
Maharashtra State, Mumbai
2. The Joint Charity Commissioner,
Nashik
3. Rt. Rev. Dr. Pradeep L. Kamble,
Ad-hoc Chairman,
Nasik Diocesan Council, Nashik,
R/o. 1, Outram Road,
Nagar-Manmad Road,
Bishop House, Opp. Tarakpur Bus Stand,
Tarakpur, Ahmednagar
4. Rev. Arun Benjamin Shinde,
Age: 50 years, Occu: Business,
R/o. St. Andrews Church Compound,
Sharanpur, Nashik
5. Devendra Purushottam Shinde,
Age: 62 years, Occu: Business,
R/o. 1.B, S.T. Colony, Gangapur Road,
Trinity Tower, Nashik

(2)

6. Rev. Anant Pushpakar Apate,
Age: 65 years, Occu: Nil,
R/o. St. Thomas Church Compound,
Wavre Lane, Shivaji Road,
Shalimar, Nashik
 7. Rev. Dr. John David Prabhakar,
Age: 59 years, Occu: Medical Practitioner,
R/o. 'Shanti Karuna', Shantinagar,
Solapur Road, Ahmednagar
 8. Adv. Vinayak Kamalakar Pandit,
Age: 50 years, Occu: legal Practitioner,
R/o Bishop Lloyd Colony,
Savedi Road, Ahmednagar
 9. Basil Prasad Kalsekar,
Age: 62 years, Occu: Business,
R/o 284, Bishop Lloyd Colony,
Satedi Road, Ahmednagar
 10. Karunakar Kashinath Tantrapale,
Age: 65 years, Occu: Pensioner,
R/o. Flat No.904,
Shri. Shriramchandra Building,
Near Second Water Tank,
Dindori Road, Mhasrul Road,
Nashik
 11. Nasik Diocesan Council,
A public Trust bearing PTR No.D-2,
Nashik, having its office at
Sharanapur Road, Nashik,
Through its Chairaman
- ..RESPONDENTS

Mr C. K. Shinde, Advocate for petitioners;
Mrs P. V. Diggikar, A.G.P. for respondent Nos.1 & 2

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 25th April, 2019

ORAL ORDER:

Heard Mr Shinde, learned Counsel appearing on behalf of the petitioners.

2. Considering the grievance raised and submitted by Mr Shinde, learned Counsel for the petitioners, we deem it appropriate to dispose of the petition at this stage.

3. The grievance of the petitioners is, learned Joint Charity Commissioner, Nashik passed the order dated 23rd December, 2014, whereby the Ad-hoc body of fit persons is appointed and this body was expected to seek prior permission from the Charity Commissioner or the Joint Charity Commissioner, Nashik, in case of taking any policy decision. Mr Shinde, learned Counsel for the petitioners submitted that by giving a go-bye to these directions, the body so appointed initiated a process of enrollment of new members when there is no such need of enrollment of new members at all. Mr Shinde further submitted that though the petitioners initially had approached the office of Charity Commissioner, Mumbai on 6th February, 2018, due to non-availability of learned Presiding Officer, the petitioners were left with no choice, but to approach the Joint Commissioner, Nashik. It is

(4)

the grievance of the petitioners that the proceedings is not being registered by the Joint Charity Commissioner and as such, they are deprived of the forum to raise their grievance.

4. On the backdrop of the aforesaid submissions of learned Counsel for the petitioners, we dispose of the petition with direction to the Joint Charity Commissioner, Nashik to look into the proceedings initiated and submitted to his office on 15th March, 2019 at the instance of the petitioners and to take appropriate steps in the said proceedings, needless to state on its own merits and as per the provisions of law, as expeditiously as possible.

5. We further make it clear that if the petitioners have filed any application to the Joint Charity Commissioner for interim orders, the Joint Charity Commissioner, Nashik may also look into the application and pass appropriate orders on merits of such application, if so filed before him.

With the aforesaid observations/directions, the petition is disposed of.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

sjk