

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 34993 OF 2018

Shivendra Nagaojirao Patankar .. Petitioner

Versus

The Joint Charity Commissioner & Anr. .. Respondents

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- Mr. Yathin Malvankar a/w Mr. Irvin D'Souza i/by Mr. S.B. Deshmukh for the Petitioner
 - Ms. S.D. Vyas 'B' Panel Counsel for the State
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 12, 2019.

P.C.:

1. The petitioner was Ex-Chairman of respondent No. 2 Trust i.e Shri Ram Devasthan Patan Trust from the year 2011 till 10.4.2018. Respondent No. 1 is the Joint Charity Commissioner of Pune Division, Pune. According to the petitioner, after the foundation of the said Trust in the year 1953, the trustees managing the said Trust had sold various properties to different persons without taking any prior permission of the Charity Commissioner. The petitioner, therefore, in the year 1998 made various representations to the Charity Commissioner to make necessary inquiry.

2. According to the petitioner, since no action was taken, by the Commissioner, the petitioner was constrained to file Writ Petition in this Court being Writ Petition No. 1198 of 2011. The said Writ Petition was disposed of by this Court with direction to respondent No. 1 to appoint an inspector for the purpose of verifying the allegations made in the representations as well as the application made by the petitioner. The said inspector submitted his report to the Joint Charity Commissioner dated 30.6.2011 and concluded that there are various properties of the trust which are sold without taking prior permission from the Charity Commissioner.

3. The petitioner, thereafter on 27.7.2018 filed another Application requesting the Charity Commissioner to take necessary action under Section 40 of the Maharashtra Public Trust Act, 1950 in pursuance of the report submitted by the inspector dated 30.6.2011. It is the petitioner's grievance that after the said representations and Application was made, the Joint Charity Commissioner has not taken any action thereon. The petitioner, has therefore, filed the

present Writ Petition seeking direction against Respondent No. 1 to decide the application filed by the Petitioner dated 27.7.2018 within a time bound period.

4. Ms. S.D. Vyas, the Learned AGP accepts service.

5. In view of the above facts, we are of the view that the application filed by the petitioner before Respondent No. 1 - The Joint Charity Commissioner, Pune Division, Pune, needs to be decided at the earliest. In view thereof, we pass the following order:-

- i. Respondent No.1 - The Joint Charity Commissioner, Pune Division, Pune shall hear the application dated 27.7.2018 filed by the petitioner and pass an order within a period of eight weeks from the date of this order being conveyed to him by the Advocate for the petitioner as well as learned AGP.
- ii. The petitioner may be given personal hearing, if he so desires.

6. Petition disposed of accordingly.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]