

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10994 OF 2017****Swami Jagatguru Shankaracharya Peeth
Karveer****..... Petitioner****VERSUS****The Joint Charity Commissioner,
Kolhapur Region, Kolhapur****..... Respondent**

Mr.Uday P. Warunjikar for the Petitioner.

Mr.Y.D.Patil, A.G.P. for the Respondent no.1.

CORAM : S.S. SHINDE, J.**DATE : 8th APRIL, 2019****P.C.**

Heard learned A.G.P. appearing for the State. Learned counsel appearing for the petitioner submits that the effect of the impugned order is that the petitioner trust will not be able to file further fresh application to sale its property for betterment of the trust. He submits that the building of the Math is in dilapidated condition. It is 400 years old. It needs urgent repairs and also construction and therefore the petitioner trust is desirous to sale some properties and raise the funds for maintaining the building of the Math. Learned counsel submits that for unsustainable reasons, the application filed by the petitioner was rejected.

2. On the other hand, learned A.G.P. appearing for respondent no.1, invites attention of this court to the reasons assigned in the impugned order and submits that the impugned order is passed for sustainable reasons and therefore this court may not cause interference in the

impugned order.

3. Upon appreciating the rival contentions and perusal of the grounds taken in the petition, this court is of the opinion that instead of causing interference in the impugned order and remitting the matter back to the concerned authority, an ends of justice would be met in case following order is passed :-

ORDER

- (a) Liberty to the petitioner to apply afresh before the appropriate authority.
- (b) The reasons assigned in the impugned judgment and orders shall not be construed as an impleadment to consider the application afresh filed by the petitioner on its own merits and keeping in view the grounds in the said application.
- (c) It would be open for the authority to take recourse to the relevant procedure and decide such application as expeditiously as possible however within two months from filing of such application.
- (d) An observations made in the impugned judgment and orders shall be ignored while considering the application afresh.

4. With the above observations, writ petition stands disposed of.

[S.S.SHINDE, J.]