

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1194 OF 2018

Sunil Patil & Ors.

.. Petitioners

v/s.

The Charity Commissioner & Anr.

.. Respondents

Mr. A.I. Saiyed for the petitioners

Ms. Suvarna Joshi for the respondent on.2

Mr. G.W. Mattos, AGP for the respondent – State

**CORAM : A.S. OKA &
M.S. SANKLECHA, J.J.**

DATED : 2nd APRIL, 2019

P.C.

1. Not on Board. Taken on Board.
2. Heard the learned Counsel appearing for the petitioners. The petitioners are claiming that on 26th September, 2017 they made an application to the Charity Commissioner of Maharashtra State seeking directions under Section 41A of the Maharashtra Public Trust Act, 1950. We have perused the said application. The first prayer in the application is to decide certain questions, which are formulated therein and the second prayer is to prevent the elected office bearers from taking any decision / action till questions are decided by the Charity

Commissioner. On plain reading of the application, we do not agree that this application is made invoking powers under Section 41A of the Maharashtra Public Trust Act. Therefore, we decline to entertain this petition and the same is disposed of.

3. However, this order will not prevent the petitioners from filing appropriate application under Section 41A of the Act. All contentions on merits are kept open.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)