

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 505/2019

Harshwardhan S/o Gajananrao Deshmukh & anr.

..VS..

Deputy Charity Commissioner, Akola & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Ingole, Advocate for the petitioner(s)
Shri S.A. Ashirgade, Addl.GP for the respondent no. 1

CORAM : Z.A.HAQ, J.

DATED : 25/01/2019

Heard.

The petitioners have challenged the order passed by the Deputy Charity Commissioner, allowing the applications (Exh. 26 and Exh. 33) filed by the respondent nos. 2 and 3 under Section 73A of the Maharashtra Public Trusts Act, 1950 (for short "the Act of 1950"). It is submitted that public notice was issued on 10/05/2018 inviting objections, if any, in the enquiry under Section 50A of the Act of 1950 for framing of scheme for the public trust, and as per this public notice, the objection was required to be submitted within 30 days. The respondent nos. 2 and 3 submitted the applications under Section 73A of the Act of 1950 after about 6 months and the applications are entertained and allowed by the impugned order, giving a go-bye to the mandate of Rule 7A (4) of the Maharashtra Public Trusts Rules 1951. The submission cannot be accepted as Rule 7A applies to the inquiries under Sections 19, 22, 22A, 28 and 29 of the Act of

1950. Rule 7A does not apply to the inquiry under Section 50A of the Act of 1950. The other submission is that the respondent no. 2 does not belong to Jain community and therefore, he cannot be said to be the person interested in the public trust, as per Section 2 (10) of the Act of 1950. The Deputy Charity Commissioner has recorded that the respondent no. 2 claims to be a devotee and regular visitor of the temple and he has also placed material on record to substantiate his claim that he has given donation to the public trust.

I find that the Deputy Charity Commissioner has properly adverted to the relevant aspects while considering the applications filed by the respondent nos. 2 and 3 under Section 73A of the Act of 1950. I do not find any illegality in the impugned order which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari