

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1882/2018

Kawdukhan s/o Nabbukhan Pathan

vs

The Assistant Charity Commissioner, Chandrapur and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.Zia Qazi, Advocate for petitioner.

Shri S.D.Abhyankar, Advocate for respondent no.2.

CORAM : A.S.CHANDURKAR, J.

DATED : August 21, 2019

Heard finally in view of notice for final disposal issued earlier.

The petitioner is aggrieved by the order passed by the learned Assistant Charity Commissioner rejecting the application filed by him under Section 73-A of the Maharashtra Public Trust Act, 1950 (for short, 'the said Act'). In the said order it has been observed by the learned Assistant Charity Commissioner that it has not been indicated as to how the presence of the petitioner is relevant for permitting his intervention.

Shri Z.Qazi, learned counsel for the petitioner after arguing the writ petition for some time raised various contentions as pleaded in the writ petition to justify the prayer for grant of intervention. His submissions are opposed by Shri S.D.Abhyankar, learned counsel for the respondent no.2 on the ground that these aspects were never raised before the learned Assistant Charity Commissioner.

Shri Qazi therefore in this backdrop submits that the petitioner be permitted to withdraw the application below Exhibit 66 with liberty to file a detailed application seeking intervention.

In that view of the matter, the application filed below Exhibit 66 is permitted to be withdrawn with liberty to file a detailed application under Section 73-A of the said Act. If such application is filed within four

weeks from today, the same shall be decided on its own merits after giving due opportunity to the respondent no.2 herein. Rejection of the earlier application would not come in the way of the petitioner in prosecuting the subsequent application. The proceedings in Enquiry Case No. 35/2014 are expedited.

With these directions, the writ petition is disposed of. No costs.

JUDGE

Andurkar.