

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

WRIT PETITION NO.3108 OF 2019

Basant Kumar S/o Rameshchandra Soni & Anr.

..VS..

Assistant Charity Commissioner, Nagpur & Oth.

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

Court's or Judge's orders

None for the petitioner.

Ms Kalyani Deshpande, AGP for the respondent No.1

Shri Aniruddha Ananth Krishnan h/f Shri J. C. Badani, Advocate
for the respondent No.2

CORAM : Z.A.HAQ, J.

DATED : 18th June 2019

The Office note shows that the petition is circulated for today. The petitioner, who appears in person, and the advocate for respondent No.2 were not present in the morning session. Matter was kept back.

In the afternoon session also, the petitioner did not appear. Shri Anirudha Ananth Krishnan holding for Shri J.C. Badani appeared on behalf of respondent No.2.

2] Heard learned AGP who appeared for respondent No.1- Assistant Charity Commissioner. As the issue involved in this petition is based on legal point, matter is taken up for consideration.

3] Order passed by learned Joint Charity Commissioner under Section 40 of the Maharashtra Public Trusts Act 1950 (For short 'the Act of 1950'), was

challenged by the petitioner before District Court by filing application under Section 72 of the Act of 1950. This application under Section 72 was filed before District Court on 16th December 2017. The learned District Judge has disposed the application recording that section 72 of the Act of 1950 is deleted on 10th October 2017 and therefore, he does not have jurisdiction to entertain the application. The learned District Judge has observed that the petitioner will be at liberty to avail appropriate remedy.

4] I find that the order passed by the learned District Judge is just and proper and in accordance with law. It cannot be said that the learned District Judge has committed any illegality or error of jurisdiction by not entertaining the application under Section 72 of the Act of 1950 which is filed after deletion of the provision. Hence, I find no reason to interfere with the impugned order.

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

(Z.A.HAQ, J.)