

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

WRIT PETITION NO.5433 OF 2019

Pramod s/o Tejram Gabhane,
And ors.

... Petitioners.

-vs-

Joint Charity Commissioner, Nagpur
And ors.

... Respondents.

Shri A. M. Ghare, Advocate for petitioners.

Shri S. B. Bissa, Assistant Charity Commissioner for respondent Nos.1 and 2.

Shri S. D. Abhyankar, Advocate for respondent No.3.

CORAM : A.S. CHANDURKAR, J.

DATE : November 27, 2019

P.C.

Rule. Heard finally considering the short issue involved.

The learned Assistant Charity Commissioner, Bhandara in proceedings under Section 50-A of the Maharashtra Public Trusts Act, 1950 was pleased to frame a scheme for managing the affairs of the Trust Bahuuddeshiya Mata Nadurga Mandal, Korambhi (Devi) Post- Bela. This order framing the scheme was challenged by the respondent No.3 alongwith other respondents. The learned Joint Charity Commissioner on 05/07/2019 was pleased to stay the effect and operation of the order dated 03/10/2018 that was passed by the learned Assistant Charity Commissioner. Being aggrieved the original applicants have filed the present writ petition.

2. On 23/08/2019 this Court was pleased to stay the order dated 05/07/2019 that was passed by the learned Joint Charity Commissioner as a result of which the order passed on 03/10/2018 continued to operate.

3. Heard the learned counsel for the parties. It is seen that the substantive appeal preferred by the respondent No.3 along with others is pending before the learned Joint Charity Commissioner. Though the order framing the scheme as of today continues to operate, an apprehension is expressed on behalf of the respondent No.3 is that it is likely that the petitioners may enroll new members or may take some major policy decision.

4. Considering the interlocutory nature of the order an adjudication at this stage is not called for. Instead, the following directions would serve the ends of justice :

- (i) The proceedings in Appeal No.362/2018 pending before the Joint Charity Commissioner are expedited. The said Authority shall endeavor to decide the said proceedings by the end of January 2020.
- (ii) Till the appeal is decided the order passed by the learned Joint Charity Commissioner on 05/07/2019 shall continue to remain stayed. However the petitioners/first body of the Trust shall not

enroll new members nor shall take any major financial or administrative decisions.

- (iii) All points on merits are kept open for being agitated in the appeal.
- (iv) The writ petition is disposed of with aforesaid directions. Rule is made absolute with no order as to costs.

JUDGE