

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

WRIT PETITION NO.7937 OF 2019

Nagpur Diocesan Council, Thr. Its Chairman, Rt. Vev. Sharad Gaikwad and ors.

-vs-

Prashant Ashok Satralkar and ors.

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

Court's or Judge's Orders.

Shri Mahesh Dhandekar, Advocate for petitioners.
Shri A. M. Kadukar, Assistant Government Pleader, for
respondent Nos.7 and 8.

CORAM : A. S. CHANDURKAR, J.

DATE : December 03, 2019

The petitioner No.1 has been granted permission by the learned Assistant Charity Commissioner on 13/09/2019 to collect donations in exercise of powers conferred by Section 41-C(1) of the Maharashtra Public Trust Act, 1950 (for short, the said Act). The respondent No.1 sought to challenge that order by filing an appeal under Section 70 of the said Act. The petitioner's counsel objected to the locus of the respondent No.1 to maintain that appeal. According to the petitioners in view of the orders passed under Section 73-A of the said Act in Change Inquiry No.924/2011 and the fact that the respondent No.1 was earlier an employee of the Trust, he had no locus to maintain that appeal. The petitioners therefore moved an application

seeking dismissal of the appeal on the ground that the respondent No.1 had no locus to maintain the same. The learned Joint Charity Commissioner by the order passed below Exhibit-19 has observed that said application would be decided along with appeal itself.

2. Considering the fact that the challenge to the locus of respondent No.1 has not been adjudicated by the learned Joint Charity Commissioner, the interests of justice would be met by directing the learned Joint Charity Commissioner while hearing the appeal to frame a point with regard to the locus of respondent No.1 herein to maintain the said appeal. While deciding the appeal that point also shall to be adjudicated. By clarifying that observations made in the order below application at Exhibit-19 would not come in the way of either of the parties, the proceedings in Appeal No.1003/2019 are expedited. The appeal be decided on its own merits. All points are kept open.

The Writ Petition is disposed of. No costs.

JUDGE