

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3535 OF 2020

RAJENDRA KANTILAL CHOPDA
VERSUS
PANJARPOL GORAKSHAN SANSTHA

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Advocate for Petitioner : Shri Gholap Ajit M.
AGP for Respondent 2 : Shri Shinde A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 03, 2020

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PER COURT :-

1. Leave to add the Joint Charity Commissioner, Pune as respondent No.2. Addition be carried out forthwith. The learned AGP appears on behalf of the added respondent.

2. I have considered the submissions of the learned Advocate for the petitioner and have perused prayer clause 16(c), which reads as under:-

“(c) The order impugned dtd. 26.4.19 passed by the Joint Charity Commissioner, Pune below Ex.1 in Inquiry application No.18/17 filed by the respondent u/s 36 of Maharashtra Public Trusts Act and notice issued in pursuance to that dtd. 28.1.20, may kindly be quashed and set aside by issuing further direction to decide the pending Ex.48 and 56 and then to decide the main application i.e. Inquiry Application No.18/17.”

3. The grievance of the petitioner is his applications Exhibits 48 and 56 are pending and the learned Joint Charity Commissioner, Pune has not decided the said applications. They are bye-passed and an incorrect notice dated 28.1.2020 calling for tenders for purchasing the property has been issued, when in fact, the application No.18 of 2017, filed by respondent No.1 is under Section 36(1)(b) of the Maharashtra Public Trusts Act seeking permission to lease out the property mentioned in the application.

4. Considering the above, I do not find that this petition needs to be kept pending since a direction to respondent No.2 to hear all the parties and decide Exhibits 48 and 56, would meet the ends of justice.

5. In view of the above, this petition is disposed off with a direction to respondent No.2 to hear all the litigating sides and decide applications Exhibits 48 and 56 expeditiously and preferably on/or before 30.4.2020.

6. The contention of the petitioner as regards an inappropriate format having been used while issuing the notice dated 28.1.2020 is concerned, the same is not entertained at this stage and respondent

No.2 is at liberty to verify as to whether the notice has been erroneously issued, considering the application for leasing out the property.

(RAVINDRA V. GHUGE, J.)

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akl/d