

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.14277 OF 2016

Andhashraddha Nirmulan Samiti,
Maharashtra ..Petitioner
Vs.
Rahul Devidas Kolhapure and Anr. ..Respondents

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Mr. A. V. Anturkar, Senior Advocate a/w. Tanaji Mhatugade a/w. Ms. Sheetal Mhatre, Advocate for the Petitioner.
Mr. S. G. Punalekar, Advocate for Respondent No.1.
Ms. V. S. Nimbalkar, AGP for Respondent No.2 / State.

**CORAM : C.V. BHADANG, J.
DATE : 29th JANUARY, 2020**

P.C.

. Heard learned counsel for the parties for some time.

2. Learned counsel for the petitioner and the contesting respondent No.1 submitted that instead of this Court recording the detailed reason, the impugned orders may be set aside and the applications (Exh.23 and 29) in Change Report No.378/2012 may be remitted back to the learned Assistant Charity Commissioner, Satara, for deciding them afresh, on their own merits and in accordance with law. Insofar as the third order dated 27/11/2014 below application (Exh.1) in Application No.112/2013 is concerned, that also can be set aside and the Assistant Charity Commissioner can decide the issue whether the said Application No.112/2013 filed by the first respondent under Section 41B of the

Maharashtra Public Trusts Act needs to be heard independently of the change reports.

4. In view of the statement made at the bar, the petition is being disposed of in the following terms :

ORDER

1. The petition is partly allowed.
2. The impugned orders dated 11/12/2015 and 15/3/2016 are hereby set aside.
3. The Applications (Exh.23 and 29) are remitted back to the learned Assistant Charity Commissioner for deciding them afresh on their own merits and in accordance with law.
4. The parties shall be entitled to supplement their pleadings both in the application as well as in the reply within a period of three weeks from the date of their appearance.
5. The order dated 27/11/2014 passed in Application No.112/2013 is also set aside and the learned Assistant Charity Commissioner shall decide afresh as to whether said application needs to be heard independent of the Change Report No.378/2012.
6. The rival contentions of the parties are left open.
7. In the circumstances there shall be no order as to costs.

C.V. BHADANG, J.