

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

WRIT PETITION NO. 7422 OF 2018

Shri.Amruteshwar Deo Vaa Gurav

Through its Trustee

..Petitioner

V/s.

Grampanchayat Kodoli & Anr.

..Respondents

Mr.Ojas Deolankar for the Petitioner.

Mr.V.S. Talkute for Respondent No.1.

Mr.S.D. Rayrikar, AGP for Respondent Nos.2 and 3-State.

CORAM : C.V. BHADANG, J.

DATE : 16th JANUARY 2020

P.C.

1. Rule made returnable forthwith. The learned counsel for respondent No.1 waives service. The learned AGP waives service for respondent Nos.2 and 3. Heard finally by consent of parties.

2. The challenge in this petition is to the order dated 22nd March 2018 passed by the Joint Charity Commissioner, Pune Division, Pune by which an application for intervention filed by the respondent No.1 under Section 73A of the Maharashtra Public Trust Act has been allowed. The said intervention has been allowed in an application filed by the petitioner for permission to sale the trust land under Section 36 of the said Act.

3. A bare perusal of the impugned order shows that it is totally unreasoned. The Joint Charity Commissioner has not at all adverted to the circumstances and the reasons, which have prompted to allow the Joint Charity Commissioner such intervention. In such circumstances, in my considered view the intervention application needs to be sent back to the Joint Charity Commissioner. In the result the petition is partly allowed. The impugned order is hereby set aside. The application for intervention filed by the respondent No.1 is remitted back to the Joint Charity Commissioner for deciding the same on its own merits and in accordance with law.

4. Rival contention of all parties are left open.

5. Rule is partly made absolute in the aforesaid terms, with no order as to costs.

6. The Joint Charity Commissioner shall proceed to decide the intervention application as expeditiously as possible.

C.V. BHADANG, J.

**Nilam
Kamble**

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Nilam Kamble
Date: 2020.01.17
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