

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO. 1522 OF 2021

RENUKAMATA DEOSTHAN TRUST NAGAPUR THR ITS
PRESIDENT PRABHAKAR BHAGWANTA BHOR

VERSUS

RENUKAMATA MANDIR AND OTHERS

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Advocate for Petitioner : Mr. N. C. Garud

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CORAM : V. K. JADHAV, J.

DATED : 27TH JANUARY, 2021

PER COURT :-

1. Learned counsel for the petitioner submits that though there is old trust bearing registration vide PTR No. A/1195 for Renukamata Deosthan Trust, Nagapur, at the instance of respondent no.1, the learned Assistant Charity Commissioner, Ahmednagar by order dated 19.03.2020 has registered another trust for the same Renukamata Deosthan Trust i.e. PTR No. A/1492. Being aggrieved by the said order dated 19.03.2020 passed by the Assistant Charity Commissioner, Ahmednagar in application no. 102 of 2020, the petitioner has preferred an appeal along with an

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application for condonation of delay which is pending before the Joint Charity Commissioner, Pune.

2. It further appears that the petitioner herein filed Miscellaneous Application No. 71 of 2020 for taking action against respondent no.1 and the trustees for obtaining registration by suppressing the material facts and on the basis of false documents. Learned Assistant Charity Commissioner, by the impugned order dated 09.10.2020 in Miscellaneous Application No. 71 of 2020, rejected the said application. It appears that the learned Assistant Charity Commissioner, Ahmednagar in clause (iii) of the operative part of the order, observed that the complainant/appellant (petitioner herein) has an opportunity to file an appeal against registration. As pointed out hereinabove, the petitioner has already filed an appeal before the Joint Charity Commissioner, Pune against the order of registration in terms of the order dated 19.03.2020 passed in application no. 102 of 2020.

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3. In view of the above, this Writ Petition against the subsequent order dated 09.10.2020 is premature one. The petitioner is trying to procure views of two forums on one and the same point.

4. At this stage, learned counsel for the petitioner, on instructions, seeks leave to withdraw this Writ Petition with liberty to the petitioner to prefer an appeal before the Joint Charity Commissioner against the order dated 09.10.2020 passed by the Assistant Charity Commissioner in Miscellaneous Application No. 71 of 2020.

5. Leave granted. The Writ Petition is disposed off as withdrawn. The petitioner is always at liberty to challenge the order passed by the Assistant Charity Commissioner, Ahmednagar and upon filing such appeal against the said order dated 09.10.2020 passed by the Assistant Charity Commissioner, Ahmednagar in Miscellaneous Application No. 71 of 2020, it is for the Joint Charity Commissioner to

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hear the said appeal along with the pending appeal preferred against the order of registration.

(V. K. JADHAV, J.)

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