

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 WRIT PETITION NO.11714 OF 2021

**NARAYANRAO GOVINDRAO TAWADE
VERSUS
THE ASSISTANT CHARITY COMMISSIONER II**

...

Advocate for Petitioner : Mr. R. N. Dhorde, Senior Advocate i/b Mr. Dhorde
Vikram R

AGP for Respondents/State : Mr. K.B. Jadhavar.

**CORAM : MANGESH S. PATIL, J.
DATE : 21.10.2021.**

PER COURT :

Leave granted to replace the synopsis.

2. Heard learned Senior Advocate Mr. Dhorde for the petitioner.
3. The petitioner is aggrieved by the order dated 02.09.2021 passed by the learned Assistant Charity Commissioner in a Change Report Enquiry under Section 22 of the Maharashtra Public Trusts Act (hereinafter 'the Act') bearing Change Report Enquiry No. 848/2021, on an application filed by the petitioner in terms of first proviso to 22(2) though it has not been styled in so many words, seeking provisional acceptance of the Change Report.
4. After having heard the learned Senior Advocate for the petitioner it appears that no separate application under proviso 22(2) (First Proviso) of the Act was sought to be lodged and registered as such. The application was merely filed as if some interim relief was being claimed in the substantive proceeding in the form of an enquiry under Section 22 of the Act. In any case, by virtue of the provisions of Section 70A of the Act, if the impugned order is passed in a pending Change Report Enquiry under Section 22, the finding in which is appealable under Section 70, a Revision

would lie against the impugned order under Section 70A. It is for the petitioner to seek appropriate relief before an appropriate forum, when ex facie efficacious remedy can be had in the form of a Revision under Section 70A of the Act.

5. At this juncture, the learned Senior Advocate, on instructions, seeks leave to withdraw the Writ Petition with liberty to challenge the order impugned in the Writ Petition by way of a Revision under Section 70A.

6. Leave is granted. The Writ Petition is disposed of as withdrawn with liberty as prayed for, 1963.

7. Time spent in prosecuting the Writ Petition shall be considered under Section 14 of the Limitation Act.

(MANGESH S. PATIL, J.)

mkd/-