

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

**914 REVIEW APPLICATION (CIVIL) NO.95 OF 2021
IN WP/11714/2021**

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

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Advocate for Applicant : Mr. P.S. Dighe h/f Mr. Dhorde Vikram R.
AGP for Respondent/State : Mr. K. B. Jadhavar.

CORAM : MANGESH S. PATIL, J.
DATE : 29.10.2021.

PER COURT :

Heard the learned advocate for the applicant. The Review Petitioner is seeking review of the order passed by this Court in Writ Petition No. 11714/2021 dated 21.10.2021.

2. It transpires that in the order under review, after it was observed in paragraph No. 4 that since the petitioner was challenging the provisional approval accorded to a newly elected committee resorting to the provisions of Section 22(2) of the Maharashtra Public Trusts Act and in view of the wording of Section 70A of that Act, the appropriate remedy would be in the nature of Revision, the petitioner who was being represented by a Senior Advocate chose to withdraw the Writ Petition with liberty to avail of the appropriate remedy of Revision under Section 70A of the Act. Even a request was made to consider the time spent in prosecuting the Writ Petition under Section 14 of the Limitation Act. The Writ Petition was thus allowed to be withdrawn with such liberty and concession.

3. Suffice for the purpose to observe that it is not an order in the sense that this Court can review it under the law. It was merely an order passed

on the request of the petitioner seeking permission to withdraw the Writ Petition with a liberty.

4. Besides, though the petitioner is now relying upon a decision of Single Judge of this court in the matter of **Shri. Kashyap Odhavji Thakkar Vs. Shri. Chandrakant R. Ganatra & others, 2019(2) ALL MR 539**, which has not been referred to in the order under review, that decision does not specifically address the extant issue as to if an order passed under the Proviso to Section 22(2) of the Act would be revisiable under Section 70A of the Act.

5. There is no merit in the Application. It is dismissed.

(MANGESH S. PATIL, J.)

mkd/-