

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6307 OF 2021

Shrikant Gajanan Beni and Anr

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Adv. Vivek Vijay Salunke for the Petitioner.
Adv. M.S. Bare, AGP for Respondent – State.
Adv. Sachin Gite for Respondent Nos. 3 to 7.

CORAM : PRASANNA B. VARALE &
MADHAV J. JAMDAR, JJ

DATE : OCTOBER 27, 2021.

PER COURT :

1. Heard learned Counsel for the Petitioners.
2. Petitioners claimed to be the life members of a trust known as Sarvajanic Wachnalaya, Nashik. It may not be necessary for us to refer to other details, suffice it to say that the limited grievance is raised in this matter. It is submitted before this Court that the Petitioners have approached the Respondent No. 2 – Joint Charity Commissioner, Nashik Region, Nashik by filing an application bearing No. 13/2014. By inviting our attention to the copy of Roznama placed at Exhibit 'G', page 87 to the Petition, it is submitted

that though proceedings were placed before the competent authority i.e. Respondent No. 2 for many occasions till date of filing of the Petition, no order is passed. Thus, Petitioners are left with no choice but to approach this Court seeking a direction to the competent authority to decide the application pending before the authority within a stipulated period.

3. By order dated 05th October, 2021, the Petitioners were permitted to amend the Petition. Learned Counsel for Respondent Nos. 3 to 7 submit that an application seeking intervention was filed and the same was allowed. The interveners are party to the proceedings i.e. Application no. 13/2014. They were necessary parties to the present Petition and the Petitioners failed to join them as party Respondents. As the application for intervention was allowed, the Respondents were brought on record by amending the Petition and added these applicants as Respondent Nos. 3 to 7 to the Petition.

4. Learned AGP in response to the order of this Court dated 05th October, 2021 sought for the instructions and by way of communication dated 13/10/2021 addressed to the learned AGP it is informed that the learned Presiding Officer i.e. Joint Charity Commissioner, Nashik Region, Nashik has recently taken over the charge and due to unforeseen difficulties namely, pandemic / Covid 19 situation the functioning of the Court was suffered.

5. It is then informed to the learned AGP that the Presiding Officer i.e. Respondent No. 2 would decide the application no. 13/2014 within a period of three months on merits of the application. The statement made in the communication dated 13/10/2021 is accepted.

6. In view of these facts, we deem it appropriate to dispose of the Writ Petition with a direction to Respondent No. 2 to decide the application no. 13/2014 as early as possible and not later than three months from the date of receipt of order of this Court.

7. Needless to state that this Court has not made any observations on merits of the application. The contentions by the respective parties are kept open.

8. It is submitted by the learned Counsel for the added Respondent Nos. 3 to 7 that the Respondent Nos. 3 to 7 have also filed an application dated 04.08.2021. If such application is also pending before Respondent No. 2 the learned Presiding Officer to decide that application also on its own merits.

9. All concerned to act upon an authenticated copy of this order.

(MADHAV J. JAMDAR, J.)

(PRASANNA B. VARALE, J.)