

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12024 OF 2019**

Bombay Urban Industrial League
For Development Trust Through
Yeshuthasen Joseph

.. Petitioner

vs.

Rev. George Daniel and ors.

.. Respondents

Mr. Sanjeev P. Kadam for the Petitioner.

Mr. Rishabh Sheth a/w Mr. Sujit Lahoti a/w Mr. Parth P. Shah a/w
Mr. Aniket Worlikar I/b. Sujit Lahoti and Associates for Respondent
Nos.1 to 6.

Mr. P.P. Pujari, AGP for the State.

**CORAM : M.S.KARNIK, J.
DATE : JULY 14, 2021
(THROUGH V.C.)**

P.C.

Heard learned counsel for the parties.

2. It is the case of Mr. Kadam that the Petitioner filed an application under Section 41E of the Bombay Public Trusts Act, 1950 ('the said Act' for short) as there was apprehension that the property in question which is the subject matter of the application is in the process of being wasted, damaged and alienated thereby defeating the purpose and object of the Trust. The Charity Commissioner rejected the said application. This order is impugned by way of this Petition under Article 227 of the Constitution of India.

3. Mr. Sheth, learned counsel appearing on behalf of the Respondent Nos.1 to 6 submitted that the Respondent Nos.1 to 6 do not intend to alienate the properties which are the subject matter of the application. The statement that the Respondent Nos.1 to 6 are not alienating the suit properties or that they will not deal with the suit properties without following due procedure of law is accepted as an undertaking to this Court. The statement allays the apprehension of the Petitioner as now the very basis for filing the application under Section 41E of the said Act no more exists.

4. In this view of the matter, nothing survives for consideration in this Petition. There is nothing on record to indicate that the property is in danger of being wasted or damaged or there is a threat of alienation by any Trustee or any other person for the present.

5. It is always open for the Petitioner to make appropriate application before appropriate authority for copies of the documents mentioned in the application which they want for their records. The said application shall obviously be considered by the authorities in accordance with law.

6. Keeping this liberty open and in view of the statement made by learned counsel for the Respondent Nos.1 to 6, there is no reason to interfere with the impugned order.

7. Writ Petition is disposed of.

(M.S.KARNIK, J.)