

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2276 OF 2016

Shri Vishwa Punarnirman Sangh, Nagpur
Th. President Chandrakant J. Thakar
And Ors.

... Petitioners

-vs-

Alka Sahani and Ors.

... Respondents.

Shri R. L. Khapre, Senior Advocate with Shri M.M. Dhandekar, Advocate for petitioners.

Shri S. D. Abhyankar, Advocate with Shri A. C. Dharmadhikari, Advocate for respondent No.1.

Shri U. A. Gosavi, Advocate for respondent No.2.

Shri N. A. Gaikwad, Advocate for respondent No.11.

Shri A. S. Jaiswal, Senior Advocate with Smt Radhika Bajaj, Advocate for respondent No.12.

Ms Tajwar Khan, Assistant Government Pleader for respondent Nos.13 and 14.

Respondent Nos.3 to 10 served.

CORAM : A. S. CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.

DATE ON WHICH ARGUMENTS WERE HEARD : FEBRUARY 23, 2021

DATE ON WHICH ORDER IS PASSED : APRIL 27, 2021

P.C.

Various interlocutory orders passed during pendency of proceedings under Section 47 of the Maharashtra Public Trusts Act, 1950 (for short, the said Act) are the subject matter of challenge in this writ petition.

After the writ petition was filed on 11/04/2016 the proceedings under Section 47 of the said Act came to be finally decided on 19/05/2016. That order passed by the learned Joint Charity

Commissioner is the subject matter of challenge in First Appeal No.600/2016. This writ petition was directed to be heard alongwith the said first appeal.

2. The orders under challenge in this writ petition are dated 06/08/2015 by which the learned Joint Charity Commissioner directed the non-applicants in the said proceedings not to release any amount available with Shri Vishwa Punarnirman Sangh (the Trust) except amounts required to conduct the day-to-day affairs of the Trust. Another order dated 19/11/2015 restraining the non-applicants from withdrawing any amount from the account of the Trust or the school except the amount of salary without prior permission of the Authority is also under challenge. Order passed below Exhibit-57 dated 16/02/2016 staying the holding of a meeting of the members of the Trust that was scheduled on 20/02/2016 is also under challenge. The orders dated 11/03/2016 passed below Exhibits-52 and 60 issuing interim directions in the matter of administration of the Trust have also been challenged.

3. By a separate judgment delivered today First Appeal No.600/2016 has been decided. The orders under challenge in this writ petition are purely of an interlocutory nature that were passed during pendency of the proceedings under Section 47 of the said Act.

Though the petitioners had sought for stay of the proceedings under Section 47 of the said Act no interim orders were passed in this writ petition. As the proceedings under Section 47 of the said Act were finally decided these interlocutory orders merged into the said final judgment. We find that since First Appeal No.600/2016 has been decided on merits the challenges raised in this writ petition are rendered academic. It is therefore not found necessary to independently consider those challenges to the various impugned interim orders. The proceedings under Section 47 of the said Act have been remanded to the learned Joint Charity Commissioner from the stage of re-constitution of the Administrative Body in accordance with the Articles of Association of the Trust.

4. In that view of the matter and in view of adjudication of First Appeal No.600/2016 nothing remains for adjudication in this writ petition. The same is accordingly disposed of. Needless to state that it is open for the petitioners to raise all permissible objections before the learned Joint Charity Commissioner when the proceedings pursuant to the directions issued in First Appeal No.600/2016 are taken up. Disposal of this writ petition would not come in the way of either of the parties in the said proceedings.

JUDGE

JUDGE