

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

WRIT PETITION NO.632/2020

Waman Dadaji Kale and others

...Versus...

Gajanan Janardhan Junghare and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Abhyankar, Advocate for petitioners
Ms Tajwar Khan, AGP for respondent nos.6 and 7

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/09/2021

1. Heard learned Counsel for the parties. The petition challenges the order dated 20/08/2019, passed by the learned Joint Charity Commissioner, Nagpur below Exh.8 in Appeal No.244/2018.

2. It is material to note, that by an order dated 20/03/2017 passed below Exh.1 in Misc. Application No.17/2017, which was under Section 41A of the Maharashtra Public Trusts Act, the learned Assistant Charity Commissioner, Chandrapur had issued certain directions to the Inspector in respect of the administration of the Trust. It is contended that the Inspector in contravention of the directions dated 20/03/2017, issued a public notice, calling for tenders for construction in the

temple, which was not within his domain, as per the order dated 20/03/2017.

3. Instead of filing an application before the Assistant Charity Commissioner, bringing the said fact to his knowledge and seeking appropriate directions from him, an application came to be filed in Appeal No.244/2018, which was against the order passed by the Assistant Charity Commissioner framing a scheme for administration of the Trust, which application came to be rejected and rightly so, as the Joint Charity Commissioner in the said appeal, was not concerned with the order passed by the Assistant Charity Commissioner in Misc. Application No.17/2017, in view of which, there is no merit in the petition. The same is accordingly dismissed.

4. Needless to say that in case there is any grievance in regard to the directions, as contained in the order dated 20/03/2017, passed by the Assistant Charity Commissioner, the same can be brought to his notice, seeking appropriate redress.

There shall be no order as to costs.

(AVINASH G. GHAROTE, J.)