

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

WRIT PETITION NO. 3557 OF 2022

MADHAVRAO HANMANTRAO PATIL TAKLIKAR
VERSUS
THE CHARITY COMMISSIONER AND OTHERS

...

Advocate for Petitioner : Mr. Patil N.P. Jamalpurkar

AGP for Respondent Nos. 1 to 3 : Mr. P. N. Kutti

Advocate for Respondent No. 6 : Mr. D. J. Patil

Advocate for Respondent No. 7 : Mr. T. G. Gaikwad

Advocate for Respondent No. 5 : Mr. Govind A. Kulkarni i/by Mr. Deshmukh
Devang R.

Advocate for Respondent No. 4 : Mr. V. D. Salunke

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28th APRIL, 2022.

P. C.

1. The Petitioner is aggrieved by the order passed by the Joint Charity Commissioner-1, Maharashtra State, Mumbai in Appeal No. 10/2021, thereby remanding the change report no. 1420/2019 under Section 22 of the Maharashtra Public Trust Act, 1950 for fresh inquiry to the Deputy Charity Commissioner, Latur Region, Latur. In the said order, in Clause-4, Joint Charity Commissioner has ordered that “learned Deputy Charity Commissioner, Latur Region, Latur shall

dispose of the change report within a period of one month, on merits from the stage of final argument, on the date of receipt of the record and proceedings.”

2. Having heard the rival submissions of the respective Counsel appearing for the parties and on perusal of the record, it appears that the Joint Charity Commissioner has committed an error in issuing direction in Clause-4 of the impugned order. When the matter is remanded back for fresh inquiry, there was no occasion for the Joint Charity Commissioner to direct the authority to decide the same from the stage of final argument on the receipt of record and proceedings. Apparently, the said direction is erroneous and cannot be sustained in the facts of the present case.

3. In the result, Writ Petition is allowed by setting aside the direction, given in Clause-4, that the Deputy Charity Commissioner shall decide the matter from the stage of final argument from the receipt of the record and proceedings.

4. It is made clear that this Court has not expressed any opinion on the merits of the matter and only the direction to hear the matter from the stage of final argument, is set aside.

[NITIN B. SURYAWANSHI, J.]

Najeeb..