

(2)-WP-5230-19 (corrected).doc.

Corrected pursuant to speaking to minutes of order dt. 18th August, 2022.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5230 OF 2019
WITH
INTERIM APPLICATION ST. NO.13973 OF 2022**

Mr. Dattaram Pandurang Bait & Ors. ..Petitioners

Versus

Mr. Dattaram Tukaram Bait & Ors. ..Respondents

Mr. Suryajeet P. Chavan i/by Tushar Jadhav, for the
Petitioners.

Mr. Vicky A. Nagrani, for Respondent Nos.1 to 5.

Smt. V. S. Nimbalkar, AGP for Respondent Nos.6 to 8.

CORAM : NITIN W. SAMBRE, J.

DATE : 4th AUGUST, 2022

P.C.

1. Counsel for the petitioners on instructions from the petitioners, who are present in the Court prays for withdrawal of the petition.

2. The petition as such stands disposed of as withdrawn.

3. I am informed that pursuant to the impugned order, respondents have already submitted a scheme in relation to the operation of public trust which is pending consideration of approval before the Assistant Charity Commissioner. By virtue of the interim order passed by

this Court, the said proceedings were kept on hold.

4. The Assistant Charity Commissioner in view of aforesaid order of withdrawal shall proceed with the matter of approving the scheme in accordance with law. The petitioners shall be at liberty to lodge objection in the aforesaid scheme approval proceedings including the benefits which they intend to expect from the public Trust in the backdrop of their claim of ownership over the land Gat No.110/45. The Assistant Charity Commissioner shall deal with the said objection of the petitioners on its own merits and without being influenced by the withdrawal of the petition.

5. IA stands disposed of.

[NITIN W. SAMBRE, J.]