

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

WRIT PETITION NO. 1366 OF 2022

Shri Nanasaheb Baswantrao Patil

vs.

Shri Shrikant Jaikisan Zanwar

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

Court's or Judge's Orders.

Mr. A. S. Dhore, Advocate for petitioner.
Mr. A. J. Gilda, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 18.07.2022.

This petition is filed to challenge order dated 16/09/2021, whereby the Joint Charity Commissioner entertained an appeal filed by the respondent, allowing the same, thereby setting aside an order condoning delay passed by the Deputy Charity Commissioner, while entertaining an application under Section 22 of the Maharashtra Public Trusts Act, 1950.

2. The principal ground raised on behalf of the petitioner in the present case is that such an appeal itself was not maintainable.

3. The respondent entered appearance through counsel and he could not deny the position of law that the order impugned before the Joint Charity Commissioner could not have been challenged in the appeal and that the appeal itself was not maintainable. The only submission made on behalf of respondent is that even if the impugned order is set aside, liberty may be reserved to the respondent to challenge the order of the Deputy Charity Commissioner in accordance with law.

4. In view of the above, the writ petition is allowed.

5. The impugned order is quashed and set aside, as being without jurisdiction.

6. Liberty is reserved for the respondent to challenge the order passed by the Deputy Charity Commissioner as per procedure known to law.

JUDGE