

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

WRIT PETITION NO. 13171 OF 2023

Parshuram Kamlakar Wanole

...Petitioner

VERSUS

The Assistant Charity Commissioner,
Mahavir Chowk, Aurangabad & Others

...Respondents

.....
Mr. S.V. Adwant, Advocate for the petitioner.
Mr. S.B. Pulkundwar, AGP for respondent-State.
.....

CORAM : KISHORE C. SANT, J.

DATE : 18th OCTOBER, 2023

PER COURT:

1. Heard the learned advocate for the petitioner and learned AGP for respondent-State.

2. Petitioner has approached this Court praying for quashing of the order passed by the learned Joint Charity Commissioner dated 17.10.2023, thereby issuing show cause notice to respondent Nos. 2 to 8, as to why no interim relief as claimed by petitioners be granted in a appeal filed by them. The notice is made returnable on 20.10.2023.

3. The next prayer is for quashing and setting aside the order passed by learned Assistant Charity Commissioner dated

06.10.2022, passed under section 41C of the Maharashtra Public Trust Act, 1950 (for short 'said Act'), whereby learned Assistant Charity Commissioner has granted permission to Renuka Devi Navratra Utsav Mandal, Chondhala, Taluka- Paithan, District- Chatrapati Sambhajinagar to conduct Navratra Utsav. Petitioner has further prayed for injunction restraining respondent Nos. 2 to 8 from causing any obstruction and interference in the discharge of services by the petitioner and their family towards the deity and to remove the donation box placed in the temple. By way of interim relief stay is sought to the order dated 06.10.2023 and also to restrain respondent Nos. 2 to 8.

4. It is the case of the petitioner that he is looking after the Chondhala Devi Temple as his forefathers were given inam and since then he is performing pooja and rendering services to Renukamata in the said temple. Respondents No. 2 to 8 are not concerned with the said temple. Respondents filed an application on 06.10.2023 before the Assistant Charity Commissioner and sought permission under section 41C of the said Act. Learned Assistant Charity Commissioner on the same day, allowed the application thereby allowing the respondents to conduct Navratra Utsav from 06.10.2023 till 22.11.2023.

5. The petitioner challenged the said order by filing the appeal before learned Joint Charity Commissioner under section 70 of the said Act on various grounds. Petitioner also preferred interim application praying for ad-interim order, granting stay to the order dated 16.10.2023. On the said application, impugned order is passed.

6. It is contention of the petitioner that though respondent Nos. 2 to 8 have no right over the temple, they were granted permission to conduct Navratra Utsav. Petitioner is given inam since his forefathers and he and his family is looking after the said temple. Pursuant to the impugned order dated 06.10.2023, now respondents are creating obstruction in the services of deity. Pursuant to the order dated 06.10.2023, now even the police authorities have issued notice under section 149 Cr.P.C., directing them to maintain law and order situation and preventing from commission of cognizable offence. Thus, though under the garb of this position, petitioner may be outstayed of his possession of the property.

7. After hearing the petitioner, this Court finds that the learned Joint Charity Commissioner has only issued show cause notice to the respondents and made it returnable on 20.10.2023.

When the learned Joint Charity Commissioner is seized of the matter, it would not be proper to cause any interference with the order and to pass any order. In view of the apprehension expressed by the petitioner, this Court can only expect learned Joint Charity Commissioner to pass an effective order on 20.01.2023, taking into consideration the ongoing Navratra Utsav and by taking sufficient care of the interest of the petitioner.

8. Parties are free to place on record other relevant material in addition to the material already placed before learned Joint Charity Commissioner.

9. Writ petition stands disposed of.

10. Parties to act upon an authenticated copy of this order.

[KISHORE C. SANT, J.]