



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

WRIT PETITION NO.8499 OF 2009

Navjivan Gramvikas Tarun Mandal

...Petitioner

Versus

Pandit Baburao Achlere & Ors.

...Respondents

**WITH
CIVIL APPLICATION NO.1738 OF 2010
IN
WRIT PETITION NO.8499 OF 2009**

Hanumant Annappa Patil

...Petitioner

Versus

Pandit Baburao Achlere & Ors.

...Respondents

Mr. I. M. Khairdi, for the Petitioner.

Mr. Surel Shah i/b. Mr. Yogesh G. Thorat, for Respondent No.1.

Mr. R. S. Alange, for Respondent Nos.2, 3, 4, 6, 8, 9 and 11.

Mr. S. D. Rayrikar, AGP, for the State/Respondent Nos.12 to 14.

CORAM : MADHAV J. JAMDAR, J.

DATED : 18th OCTOBER 2023

P.C. :

1. By the present Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner is challenging the legality and validity of order dated 26th August 2009 passed by the learned Joint

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Charity Commissioner, Latur Region, Latur below Exhibit-1 in Application No.21 of 2008 to the extent of clause Nos.3 and 4 of the said order. The said clause Nos.3 and 4 read as under:-

“3. Shri. Jagdish G. Pardeshi, Advocate R/o: Solapur is appointed as fit person to look after the management of the trust ‘Navjeevan Gramvikas Tarun Mandal, Shingadgaon’ trust registration No. F-1019 (Solapur) till final decision of this proceeding. The fit person is entitle to remuneration of Rs.3000/- per month from the account of the trust.

4. The opponents are directed to handover charge of the trust to Shri. Jagdish S. Pardeshi, Advocate within 1 Month from the date of this order.”

2. By order dated 6th July 2010 passed in Writ Petition, ad-interim relief in terms of prayer clause (d) has been granted. The said prayer clause (d) reads as under:-

“(d) Pending the hearing and final disposal of the present petition, this Hon’ble Court be pleased to stay the execution, implementation and carrying into effect of that part of judgment and order dated 26.8.2009 whereby Shri. Jadish S. Pardeshi is appointed as fit

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person and direction was issued to hand over charge to the said fit person, passed by the Ld. Joint C.C., Latur in suo-moto Application No.21 of 2008, may kindly be ordered to be stayed;”

3. Thus, a learned Single Judge by order dated 6th July 2010 stayed the implementation of clause Nos.3 and 4 of the impugned order dated 26th August 2009.

4. Mr. Surel Shah and Mr. Alange, learned counsel appearing for the contesting Respondents state that, by passage of time and in view of order passed by a learned Single Judge by which, implementation of clause Nos.3 and 4 has been stayed, the Writ Petition can be disposed of by consent and the said clause Nos.3 and 4 be set aside.

5. Accordingly, the Writ Petition is allowed by setting aside clause Nos.3 and 4 of order dated 26th August 2009 passed by the learned Joint Charity Commissioner, Latur Region, Latur below Exhibit-1 in Application No.21 of 2008.

6. Mr. Surel Shah, learned counsel appearing for Respondent No.1 states that there are several Change Reports which are filed and they are pending before the learned Assistant Charity Commissioner, Solapur. The learned Assistant Charity Commissioner is requested to

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dispose of said Change Reports expeditiously.

7. The Writ Petition is disposed of in above terms with no order as to costs.

8. In view of the disposal of the Writ Petition, nothing survives in the Civil Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]