

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1427 OF 2023

(Goswami Gautam Puri s/o Guru Ramesh Puri Vs. Rajesh Madan Puri s/o Mahesh Puri & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Dr. R.S. Sundaram, Advocate for the petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for respondent Nos. 2 and 3/
State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 20, 2023

The petitioner has raised challenge to the order dated 29/3/2022 passed by the learned Assistant Charity Commissioner in proceedings under Section 18 of the Maharashtra Public Trusts Act, 1950. It is urged that since the said order has no legal basis, challenge to the same be entertained in the Writ Petition notwithstanding the fact that the petitioner has filed an appeal challenging the very same order. It is submitted by the learned Counsel for the petitioner that though an application for stay has been filed, the same has not being adjudicated upon by the Joint Charity Commissioner.

2] We find that the petitioner has filed a substantive appeal for challenging the order dated 29/3/2022 passed by the learned Assistant Charity Commissioner. Since the petitioner's application for stay is pending, it is directed that respondent No.2 shall consider the said application in accordance with law within a period of four weeks of receiving copy of this order after giving due opportunity to respondent No.1. It is informed that the proceedings are kept on 4/5/2023. An endeavor shall be made to consider the stay application on that date.

3] All points on merits are kept open. The Writ Petition is disposed of.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT

Digitally signed by SUMIT CHETAN
AGRAWAL
Signing Date: 21.04.2023 11:36