

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

WRIT PETITION NO. 3267 OF 2023

(Shri Gulabrao Vithobaji Manapure (Recorded Secretary) & Anr. Vs. Shri Shrikant Narayan Ghatbandhe & Ors.)

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

Court's or Judge's order

Shri Mahesh Dhandekar, Advocate for the petitioners.

Ms S.S. Jachak, Assistant Government Pleader for respondent No.1/ State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JUNE 13, 2023

The challenge raised in this Writ Petition is to the impugned orders dated 2/5/2023 and 4/5/2023 passed by the learned Assistant Charity Commissioner, Nagpur in Application No. 166/2023 thereby refusing to grant any interim relief in proceedings under Section 41A of the Maharashtra Public Trusts Act, 1950 (for short "the said Act"). The petitioners by that interim application had sought an order of restraint for holding meeting of Trust on 5/5/2023 pursuant to the notice dated 20/4/2023. The learned Assistant Charity Commissioner, Nagpur initially directed notice to be issued to the non-applicants in the said proceedings by the order dated 2/5/2023 and thereafter on 4/5/2023 observed that there was no case to grant any interim relief since no reply was filed by the non-applicants.

2] Considering the nature of relief sought in the proceedings under Section 41A of the said Act which was a direction not to call the meeting of the general body on 5/5/2023 and the prayers made in the interim application on same lines, we find that interests of justice would be served by directing the proceedings under Section 41A of the said Act to be decided finally on its own merits and in accordance with law.

3] Accordingly, the Writ Petition is disposed of by directing the learned Assistant Charity Commissioner, Nagpur to decide Application No. 166/2023 filed under Section 41A of the said Act expeditiously and in accordance with law. It is made clear that the learned Charity Commissioner shall consider the entire matter on its own merits and should not be influenced by the observations made

in the interim orders dated 2/5/2023 and 4/5/2023. The proceedings be decided by giving due opportunity of hearing to all the parties.

4] The Writ Petition is disposed of in the aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT