



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

987 WRIT PETITION NO. 5648 OF 2016

THE ASSISTANT CHARITY COMMISSIONER JALNA

VERSUS

HEMANT NARHAR BHOPI AND OTHERS

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AGP for the Petitioner-State : Mr. V. M. Chate
Advocate for Respondent No.1 : Mr. N. K. Tungar
None present for remaining respondents

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 07, 2024

PER COURT :-

1. Heard the learned Advocate for the parties.
2. It appears that an interim order is passed in RCA No.05/2015 by the Ad-hoc District Judge, which is filed under Section 72 (1) of the Bombay Public Trust Act by the respondent. By the impugned order, the execution and implementation of order dated 15/11/2014 passed by the Assistant Charity Commissioner, Jalna in Scheme Case No.7/2004 is stayed. This Court by order dated 20/06/2016 granted ad-interim relief in terms of prayer Clause 'C'. Prayer Clause 'C' reads as under :-

"Pending hearing and final disposal of this Writ Petition, the Hon'ble Adhoc District Judge-1, Jalna may kindly be directed to not to proceed further and hear the matter pending before him."

3. As such, the proceedings before the District Court, Jalna remain stayed from the date of the order till today. No meaningful purpose would be served by keeping the writ petition pending for any further

period of time. As such, it is directed that the District Judge, before whom the petition is pending, to dispose of the main application filed under Section 72 (1) of the Public Trust Act expeditiously, and in any event, within a period of six months from the date of production of the copy of this order.

4. I am also informed that the said provision is now deleted although the parties contend that the pending application are adjudicated by the adjudicating authority. In the event the authority has the jurisdiction to continue with the same, the District Court may decide the application under Section 72 (1) of the Public Trust Act within a period of six months.

5. Admittedly there is no implementation of the order dated 15/11/2014 till today. In view of the same, the execution of order dated 15/11/2014 would remain stayed till the disposal of the proceeding.

6. In view of the same, the interim order passed by the District Court, Jalna would continue to operate till disposal of the petition by the District Court, Jalna. The parties to co-operate in the proceedings. In the event, the respondents or the applicants do not proceed with the

matter before the District Court, Jalna, the District Court be at liberty to vacate the interim order, or pass appropriate orders.

7. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.