

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1500 OF 2024

Usha Baburao Pawar & Ors.

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Nikhil M. Pujari, for the Petitioner.

Ms. Shruti D. Vyas, Addl. G. P. for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 2 February, 2024

P.C.

1. We have heard learned counsel for the petitioner, the only substantive prayer as made in the petition is prayer clause (a) which reads thus:

“Issue and appropriate Writ / Order directing Deputy Charity Commissioner to complete the inquiry as per Order dated 13.01.2023, whereby the Deputy Charity Commissioner was supposed to complete the said inquiry against the Respondents within a period of 3 months from the date of Order and same has not been done till date.”

2. Learned counsel for the petitioner has drawn our attention to an order dated 30 January 2023 passed by the learned Joint Charity Commissioner, Nashik region Nashik, the operative portion of which reads thus:

“ORDER

1. The Application No.17/2011 is rejected.
2. The ld.Dy.C.C., Nashik is hereby directed to make through inquiry of the Trust and either to take appropriate action or to submit

the report to this Authority within three months from the receipt of this order.

3. Parties to bear their own costs.
4. Entry of this order be taken in Schedule-I of the Register of Public Trust.
5. The copy of this judgment and order be sent to the Id.Dy.C.C., Nashik for information and necessary action.
6. Proceeding is closed.”

3. It is in pursuance of the aforesaid order passed by the learned Joint Charity Commissioner, an inquiry is stated to be now pending with the Deputy Charity Commissioner, Nashik.

4. The contention of the petitioner is that the inquiry has not been taken forward and hence the same is required to be expedited, considering the prejudice which is stated to be caused to the functioning of the Trust. We see from the cause title of this petition that apart from the official respondents who are respondent Nos. 1 to 4, there are other private respondents against whom possibly the inquiry is directed as also against whom the petitioners have grievances that such persons are illegally conducting the Trust.

5. Be that as it may, we would not delve on such rival contentions as may arise between the petitioner and the private respondents, suffice it to observe that as already there is a direction of the learned Joint Charity Commissioner in his order dated 30 January 2023 directing the learned Deputy Charity Commissioner to make an inquiry of the Trust and either to take appropriate

action or to submit the report to the learned Joint Charity Commissioner within three months of the receipt of the said order, which has not progressed further.

6. We are thus of the opinion that the petition be conveniently disposed of by directing the Deputy Charity Commissioner to complete the inquiry within a period of three months from today, and without any further extension complete the inquiry, as a substantial period of one year has already lapsed which was overlooking the directions of the learned Joint Charity Commissioner to complete the inquiry within three months from 30 January 2023 i.e. by April 2023. We are now approaching April 2024.

7. We deem it appropriate to dispose of the petition on this limited issue and keeping open all contentions of the private respondents which would fall for consideration of the Deputy Charity Commissioner in the inquiry which he would undertake. Thus, no prejudice would be caused to the private respondents in the Court directing the Deputy Charity Commissioner to expedite the inquiry in compliance of the order dated 30 January 2023 passed by the learned Joint Charity Commissioner. In any event, it is stated before us that the order dated 30 January 2023 passed by the Joint Charity Commissioner has not been assailed by the private respondents.

8. In the above circumstances, we disposed of this petition by the following order:

ORDER

(i) The learned Deputy Charity Commissioner, Nashik, shall complete the inquiry as directed by the Joint Charity Commissioner, Nashik region Nashik vide order dated 30 January 2023 on Application No.17/2011 within a period of three months from the date a copy of this order is placed before him. On completion of the inquiry appropriate steps as directed under paragraph (2) of the orders passed by the learned Joint Charity Commissioner, Nashik be adopted by the learned Deputy Charity Commissioner.

9. All contentions of the parties are expressly kept open.

10. Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)