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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10894 OF 2023**

District Probation and After Care Association ... Petitioner

vs.

Joint Charity Commissioner, Pune and Anr ... Respondents

Ms. Shruti Tulpule for Petitioner.

Mr. O.A. Das for respondent no.2-BOI.

Mr. A.P. Vanarse, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 8th JANUARY, 2024

P.C. :-

1. This petition takes exception to clause 3 of the operative part of the order dated 8th June 2023, passed by the Joint Charity Commissioner, Pune Region, Pune. Though the word 'permission' is missing in clause 3, on perusal of the order, it appears that the direction issued is that the rent amount shall not be withdrawn without the permission of the Joint Charity Commissioner.

2. The order dated 8th June 2023 is passed on the application filed under section 36(1)(b) of the Maharashtra Public Trusts Act, 1950, for permission to renew the lease in favour of respondent

no.2. The said application is allowed by order dated 8th June 2023. Learned counsel for the petitioner submits that there is absolutely no reason recorded by the Joint Charity Commissioner for imposing condition no.3.

3. Learned counsel appearing for respondent no.2 states that the bank has no objection if the rent amount deposited by the bank is withdrawn by the petitioner. It appears that respondent no.2-bank has occupied the premises since 24th August 1981, and the rent amount is always deposited by respondent no. 2-bank in the account of the petitioner. A perusal of the order indicates that there is absolutely no reason given by the Joint Charity Commissioner for imposing aforesaid condition no.3. Considering the facts of the case, the said condition is unreasonable and unjust.

4. In view of the aforesaid, the petition is allowed by passing the following order:

I. Clause no.3 of the operative part of the order dated 8th June 2023 is quashed as set aside.

II. It is clarified that the petitioner will be entitled to withdraw and use the rent amount deposited by respondent no.2-bank

in their account, pursuant to the lease deed that will be executed as per order dated 8th June 2023.

III. Respondent No.2-bank is permitted to deposit arrears of rent amount within one month from today.

IV. The time to execute the lease deed as per the order dated 8th June 2023 is extended by a period of one month from today.

V. It is clarified that except for clause no.3 of the operative part of the order dated 8th June 2023, the rest of the order is maintained as it is.

All parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)