

2. Perusal of the record indicates that respondent nos. 1 to 4 had not objected in the proceeding for registration of the petitioner-trust. However, when respondents nos. 1 to 4 learnt about the registration of the petitioner trust, they preferred an appeal. That appeal is allowed and the order granting registration to the petitioner-trust has been quashed and set aside.

3. Respondents nos. 1 to 4 had no opportunity to raise their objections opposing the registration of the petitioner trust. By the impugned order the appeal preferred by respondents nos. 1 to 4 is allowed by the learned Charity Commissioner by holding that inspite of the existence of respondent no. 1 trust registration of petitioner trust is permitted without conducting a proper inquiry. Hence, in my view, it would have been appropriate to remand the matter to the Assistant Charity Commissioner, Raigad Region, Alibag for considering the petitioner's application for registration of trust after examining the objections on behalf of respondents nos. 1 to 4 and giving them an opportunity of being heard.

4. Learned counsel appearing for respondents nos. 1 to 4 on instructions states that respondents nos. 1 to 4 are agreeable to

remitting the matter to the Assistant Charity Commissioner, Raigad Region, Alibag for reconsideration of the petitioner's application for registration of trust after examining the objections of respondent nos. 1 to 4. Learned counsel for respondents nos. 1 to 4 states that the respondents be permitted to file their objection before the Assistant Charity Commissioner, Raigad, Alibag.

5. Learned counsel for the petitioner has no objection to re-hearing the application for registration of the petitioner-trust after allowing respondents nos. 1 to 4 to place on record their objections.

6. In view of the aforesaid statements made on behalf of the respective parties, by consent of the parties the petition is disposed of by passing the following order :

(i) The impugned orders dated 11th October 2018 passed by the Charity Commissioner, Maharashtra State, Mumbai in Revision Application No. 172 of 2016 and order 18th June 2015 passed in Application No.347 of 2014 passed by the Assistant Charity Commissioner, Raigad Region, Alibag are quashed and set aside.

(ii) Application No. 347 of 2014 filed by the petitioner-trust under Section 19 of The Maharashtra Public Trusts Act, 1950 is restored to the file of Assistant Charity Commissioner, Raigad Region, Alibag.

(iii) Respondents nos. 1 to 4 are at liberty to file their objections before the Assistant Charity Commissioner, Raigad Region, Alibag within four weeks from today.

(iv) The Assistant Charity Commissioner, Raigad Region, Alibag shall decide Application No. 347 of 2014 afresh after examining the objections and after giving the opportunity of hearing to respondents nos. 1 to 4.

(v) It is clarified that I have not examined the rival contentions of the parties on merits and hence all contentions of all parties are kept open.

(vi) Writ Petition is disposed of in the above terms.

(vii) All concerned to act on an authenticated copy of this order.

[GAURI GODSE, J.]