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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13592 OF 2024

B. Paramanandhan & Anr.

.. Petitioners

Versus

The Joint Charity Commissioner & Ors.

.. Respondents

Mr. Vineet Naik, Senior Advocate a/w. Ashutosh M. Kulkarni, Akshay Kulkarni for the Petitioners.

Adv. Yuvraj Narvankar a/w Suraj Kaushik for the Respondent No.3 and 4.

Mr. Y. D. Patil, AGP for the Respondent-State.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: OCTOBER 10, 2024

P. C.

1. The above Writ Petition is filed seeking the following reliefs:

“a) To issue rule and call for record and proceedings;

b) To suitably modify the order dated 11.04.2023 passed by the Respondent No.2 in Misc. Application No. 37 of 2022 by allowing the petitioners to act as president and secretary respectively and further to permit the managing committee elected in Annual General Meeting dated

12.09.2023 for the period of 2023-2018 to take policy decisions in respect of Sri. Balaji Society, Pune in a capacity as management committee members, so as to enable the Petitioners to run the day-to-day affairs as well as infrastructural requirements of the SBUP effectively;

c) To direct the Respondent Nos.1 to hear and decide the Misc. Application No. 69 of 2023 filed by the petitioners at the earliest possible time.

d) To direct the Respondent No.2 to hear and decide the Misc. Application No. 29 of 2023 filed by the petitioners at the earliest possible time.

e) To direct the Respondent No.2 to hear and decide Change Report Nos. 3320 of 2021 and 3321 of 2021 and all other change reports in respect of Sri. Balaji Society, Pune at the earliest possible time.”

2. Despite these reliefs, Mr. Naik, the learned Senior Counsel appearing for the Petitioners, submitted that the Petitioners would be satisfied if Miscellaneous Application No. 69 of 2023 and Miscellaneous Application No. 29 of 2023, both filed under Section 41(A) of the Maharashtra Public Trusts Act, 1958, are decided by the concerned Authority in a time bound manner.

3. The learned Counsel appearing for Respondent Nos. 3 and 4, submitted that the said Respondents have no objection if such directions are passed but there is also another Miscellaneous Application filed by Respondent Nos. 3 and 4, namely, Miscellaneous Application No. 283 of 2023. This also ought to be heard and decided along with the above two applications in a time bound manner.

4. Mr. Naik, the learned Senior Counsel appearing for the Petitioners, stated that the Petitioners have no objection if Miscellaneous Application No. 283 of 2023 is heard along with Miscellaneous Application No. 69 of 2023 and Miscellaneous Application No. 29 of 2023.

5. Considering the stand taken by the parties, we dispose of the above Writ Petition by directing the concerned Authority to decide Miscellaneous Application No. 69 of 2023, Miscellaneous Application No. 29 of 2023 and Miscellaneous Application No. 283 of 2023 [all filed under Section 41(A) of the Maharashtra Public Trusts Act, 1958], as expeditiously as possible, in any event, within a period of ten weeks from today.

6. We may hasten to add that we have not opined on the merits of any application including the question of any maintainability, which shall be decided by the concerned Authorities when they hear the aforesaid three applications.

7. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]