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33-WP-3786-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 WRIT PETITION NO. 3786 OF 2025

Ramesh Dadarao Bagdure And And Others

VERSUS

The Joint Charity Commissioner And Others

...

Mr. N. P. Jamalpurkar Patil, Advocate for the Petitioners.

Mr. K. S. Patil, AGP for Respondent-State.

Mr. S. B. Gastagar and Mr. V. D. Gunale Advocate for Respondent Nos.3 & 4.

CORAM : KISHORE C. SANT, J.

DATE : 1st APRIL 2025

PC :-

1. Learned Advocate Mr. Jamalpurkar seeks time to amend the petition and to challenge the subsequent order dated 5th December 2024 passed by the Joint Charity Commissioner, Latur Region, Latur. Leave granted. petitioner to carry out the amendment.

2. During the course of argument, it is pointed out that subsequently, the learned Joint Charity Commissioner has passed an order dated 5th December 2024 on an application for amendment filed by the present respondent Nos.2 to 6 seeking amendment to the revision. This Court

finds that by way of subsequent order, the learned Joint Charity Commissioner has passed an order stating that the amendment application shall be decided first and thereafter, the maintainability of the revision will be considered. The petitioner is directed to file additional reply in response to paragraph No.2 to 5 of the amendment application. The parties are at liberty to amend the additional submission on an application for amendment. On noticing this, this court finds that the learned authority has strangely decided to decide the amendment application first and to decide maintainability lateron. This court finds that when application is filed objecting very maintainability of the proceeding, it would not be proper to decide any other application before deciding the issue of maintainability of the revision which goes to the root of the matter.

3. In this case, the question of maintainability is raised as the revision is filed after reasonable period. In the revision, the order passed by the learned Deputy Charity Commissioner Latur Region, Latur dated 3rd July 2015 is challenged whereas the revision itself is filed on 15th April 2023. This court is, therefore, inclined to direct the learned authority to decide

the issue of maintainability first keeping in view the order of the Apex Court passed in Civil Appeal Nos.10743-10744 of 2016 in the case of ***Gandhi Smarak Nidhi (Central) Vs. Maharashtra Gandhi Smarak Nidhi and Anr.***

4. Considering above, the authority to decide the question of maintainability within a period of one month from today.
5. Parties are free to address the court on all the issues.
6. Parties to appear before the authority on 16th April 2025. No fresh notice is required from the authorities.
7. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]