

P. V. Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16232 OF 2024

Mr. Prakash Arjun Pandagale & Anr. ..Petitioners
VS
Mr. D. P. Jadhav & Ors. ..Respondents

Mr. Ashok B. Tajane, for the Petitioners.
Mr. Saket Mone with Mr. Raghav Taweja i/b. VIDHII Partners, for Respondent Nos.1 and 2.
Mr. Abhishek Salian, for Respondent No.3.
Mr. B. V. Samant, Addl. Govt. Pleader i/b. M.S. Bane, AGP for the State.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 4 FEBRUARY 2025

P.C.:

1. Affidavit of service filed by Mr. Tajane, learned Counsel for the petitioners is taken on record.
2. This petition under Article 226 of the Constitution of India was filed praying for the following reliefs:

“a) Rule be issued. Record and proceedings of the case be called for and after examining the legality, propriety and validity of the impugned order dt. 22.10.2024 passed by the Learned Assistant Charity Commissioner-V Greater Mumbai Region, Mumbai in Application No.ACC/V/62/2023 under Section 41-A of MPT Act be quashed and set aside and/or Application No.ACC/V/62/2023 be rejected.

b) The order dated 21.12.2023 passed by the Ld. ACC passed below Exhibit 4, 9 and 14 in Application No.ACC/V/72/2023 be quashed and set aside and Exh.4, 9 and 14 be allowed and the matter be remanded back to the ACC/V,

Greater Mumbai at Mumbai with direction to decide Application No.ACC/V/62/2023 and Application No.ACC/V/67/2023 within some time bound program.

c) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be please to appoint administrator on trust namely, "The National Federation of the blind of Maharashtra", P.T.R. No.F.5631 (Mumbai) and / or the Respondent Nos.1 and 2 be restrained from taking policy decision and be restrained from making any payment without permission of the Ld. ACC.

d) Pending the hearing and final disposal of the present Writ Petition impugned order dt. 22.10.2024 passed by the Learned Assistant Charity Commissioner-V Greater Mumbai Region, Mumbai in Application No.ACC/V/62/2023 under Section 41-A of MPT Act be stayed;

e) Interim and Ad-interim relief in terms of prayer Clause (c) and (d) above be granted.

f) Any other just and equitable orders be passed in the interest of justice."

3. This petition was moved before the Vacation Bench of this Court on 7 November 2024, when the following ad-interim orders were passed, while issuing notice to respondent Nos.1 to 4:-

"3. However, we find that the counting of votes can proceed on 9th November 2024. However, until the next date of hearing, the results of the election shall not be declared.

4. Let the results of the election and the votes cast shall be kept and secured in separate sealed covers, as also the entire electoral record shall be kept sealed separately."

4. It is on this backdrop the proceedings are listed before us today. After the petition was heard for some time, Mr. Tajane, learned Counsel for the petitioners has taken a fair stand, on instructions of his client who

are present in the Court, who seeks leave of the Court to withdraw this petition, with liberty to the petitioners to urge all contentions in the Change Report which may be filed. He also make a statement that the petitioners shall not be pursuing their application No.ACC/V/67/2023 (Exhibit R, page 146 to the petition) filed before the Assistant Charity Commissioner, Gr.Mumbai Region at Mumbai [filed under Section 41-A of the Maharashtra Public Trusts Act] as the petitioners pray for a liberty to raise all contentions in appropriate proceedings. The prayer is also that all the contentions that are raised by the petitioners in the present petition be kept open to be raised in appropriate proceedings including in the Change Report, which may be filed.

5. We accordingly permit the petitioner to withdraw this petition with liberty as prayed for, to raise all contentions as raised in the present petition as also in the pending application under Section 41-A of the Maharashtra Public Trusts Act as filed by the petitioner, in the appropriate proceedings.

6. We also record the statement of Mr. Tajane that the petitioners intend to pursue their application filed below Exhibit 56 in the proceedings of Application No.62 of 2023 which is pending before the Assistant Charity Commissioner. We accept such stand of the petitioners. All contentions in that regard are expressly kept open.

7. Needless to observe that the ad-interim orders shall stand vacated.
8. We accordingly direct the Election Officer to declare the result of the election within one week from today. The Change Report, as may be required to be filed, be filed within three weeks from the declaration of the result, with liberty to the parties to request the Charity Commissioner to take up the Change Report for early decision.
9. The petition is accordingly disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]