



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1053 of 2025

[Shri Sahebrao Keshavrao Pakhan ..vs.. Shri Manoj Nandlal Kaware and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. P. Mahalle, Advocate for the petitioner
Mr. A. S. Dhore, Advocate for respondents

CORAM : ANIL L. PANSARE J.

DATED : 05-05-2025

On 26-2-2025, following order was passed.

“1. *Heard.*

2. *One of the questions that fall for consideration is whether the order passed under Section 73(A) of the Maharashtra Public Trusts Act, 1950 (For short, “Act of 1950”), which is an interlocutory order in the inquiries under Section 22 or other such inquiries as provided under Section 70 of the Act of 1950 is assailable before the Charity Commissioner in terms of Section 70(A).*

3. *As such, the counsel for petitioner has invited my attention to the view taken by the Co-ordinate Bench of this Court in Writ Petition No.7728/2022 [Babu s/o Irappa Khadakhbavi (Dr.) and others Vrs. State of Maharashtra and others] decided on 05/08/2022 holding that in such circumstances, the revision under Section 70(A) is maintainable, the counsel however submits that this view requires reconsideration, as is not in tune with the provisions of the Act of 1950, particularly Section 70(A) r/w Section 70 of the said Act.*

4. *Issue notice to the respondents, returnable in three weeks. Issue notice to the respondents on interim relief also.”*

Learned counsel for the petitioner has invited my attention to order dated 3-2-2025 passed by this Court in ***Writ Petition No. 8097/2024 (Vikas s/o Sitaram Jadhav Vs. Dilip Vishwanath Jadhav and anr.)*** and submits that the coordinate

Bench of this Court at Aurangabad Bench has referred the issue to the Larger Bench.

Learned counsel for the petitioner seeks time to take appropriate steps to club all the petitions. Time granted.

Stand over after Summer Vacations.

(Anil L. Pansare, J.)

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