



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

38 WRIT PETITION NO. 2539 OF 2025

**SUNDARLAL RAMNIWAS DARAK
VERSUS
BALAJI MANDIR AURAD SHAHAJANI THROUGH ITS
ADMINISTRATOR AND OTHERS**

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Mr V. D. Gunale, Advocate for petitioner
Ms P. J. Bharad, A.G.P. for respondents/State

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 24th February, 2025

PER COURT:

1. The petitioner is challenging the order passed by Respondent No.3/Deputy Charity Commissioner purportedly invoking the powers under Section 41-A of the Maharashtra Public Trusts Act, 1950.

2. The matter is circulated before us perhaps in the wake of several decisions of the division benches of this Court, wherein it has been held that the order passed under Section 41-A, being an administrative order as distinguished from that of quasi judicial, the petitions challenging those would lie before the division bench. All

(2)

those decisions either have been rendered prior to the amendment to the Chapter XVII Rule 18 of the Bombay High Court Appellate Side Rules, 1960, whereby Item 46 has been included or without reference to same.

3. Chapter 17 Rule 18 carves out the Single Judge's power to finally dispose of applications both under Article 226 and 227 of the Constitution of India and enlist the orders, challenge to which would lie before the Single Judge. Clause 46 refers to orders passed under Bombay Public Trust Act, 1950 and consequentially, the matter would lie before the Single Judge.

4. Remove from the board.

(PRAFULLA S. KHUBALKAR, J.) **(MANGESH S. PATIL, J.)**

sjk