



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10761 OF 2024

District : Ahmednagar

Nitin Manohar Shinde,
Age:- 61 years, Occu: Agriculturist,
R/o.: Savlivihir, Nagar- Manmad Road,
Tq.Rahata, Dist.Ahmednagar

...PETITIONER

VERSUS

1. Ashokrao Shankarrao Kale,
Age:- 72 years, Occu: Agriculturist,
R/o.: At Post Mahegaon Deshmukh,
Tq. Kopargaon, Dist. Ahmednagar.
2. Ashutosh Ashokrao Kale,
Age:-40 years, Occu: Agriculturist,
R/o.: At Post Mahegaon Deshmukh,
Tq. Kopargaon, Dist. Ahmednagar.
3. Chaitali Ashokrao Kale,
Age:-35 years, Occu: Housewife,
R/o.: At Post Mahegaon Deshmukh,
Tq. Kopargaon, Dist. Ahmednagar.
4. Deputy Charity Commissioner,
Ahmednagar.

...RESPONDENTS

Mr. Ajinkya Kale, learned Advocate h/f. Talekar & Associates, Advocate for the
Petitioner

Mr. R. K. Ingole, AGP for Respondent No.4

Mr. Ganesh Asaram Gadhe, Advocate for Respondent Nos.1 to 3

CORAM : AJIT B. KADETHANKAR, J.

RESERVED DATE : 25.08.2026

PRONOUNCED DATE: 28.08.2026

JUDGMENT :-

1. The Petitioner takes exception to the Judgment and Order passed by the learned Joint Charity Commissioner-II, Pune on 30-07-2024 in Revision Application No.67 of 2022. Vide the impugned order, challenge to the change report approved by the learned Deputy Charity Commissioner vide order dated 09-12-2019 in Change Report No.1292 of 2018, has been turned down.
2. Subject-matter : 'Change in the name of a Public Trust' is the subject-matter of the Petition. Challenge rests on twofold grounds i.e. (i) Permissibility of Change in Trust name; and (ii) Procedural aspect. The core issues involve sub-issues which eventually arise for consideration.
3. Case laws: While the Petitioner relied upon a judgment and order passed by the High Court of Gujarat at Ahmedabad in First Appeal no.5008 of 2018, respondent side relied upon the provisions of law.

For discussing the issues raised in the petition, I referred to (i) a Judgment and Order delivered by Division Bench of this Court in a case reported at *Manvi Hakka Sanrakshan and Jagruti and Anr. vs. Charity Commissioner of Maharashtra and Ors. [2024 SCC OnLine Bom 3740]*; and followed by Single Bench in (ii) *National Egg Co-ordination Committee vs. State of Maharashtra and ors. reported at 2026 SCC OnLine Bom 2410*.

4. Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard for final disposal.

5. **Brief facts:**

- i. A public trust namely 'Congress Bhavan Trust, Kopargaon' came to be registered in the office of the Charity Commissioner, Ahmednagar on 29-09-1987. Trust Scheme application No.06 of 2002 came to be allowed by the learned Assistant Charity Commissioner, Ahmednagar on 28-06-2002 thereby approving the trust scheme.
- ii. The Petitioner - who was a trustee of the subject-matter trust, learnt on 15-08-2022 that respondents declared new name of the trust as 'Shri Saibaba Trust Kopargaon'. On further enquiry, it was learnt that a Change Report proceeding was filed by the Respondent nos.1 to 3 bearing No.1292 of 2018 for effecting change in the name of the Trust before the learned Deputy Charity Commissioner.
- iii. That, without giving any paper publication and without giving any notice to the Petitioner, the Change report proceeding came to be allowed vide order dated 09-12-2019.
- iv. Feeling aggrieved thereby, the Petitioner approached the learned Joint Charity Commissioner Ahmednagar with a revision petition No.67 of 2022 u/s 70-A of the Maharashtra Public Trust Act 1950 ["the Act of 1950" for brevity].

- v. Learned Joint Charity Commissioner, Ahmednagar heard the parties and pleased to dismiss the application. Hence the Petitioner is before this Court.

6. Submissions

Per Mr. Ajinkya Kale, learned Advocate for the Petitioner

- i. The Petitioner was then holding the post of President, Indian National Congress party, Kopargaon. He was party's primary member.
- ii. Out of the donations collected from the party members, the then party members purchased properties bearing CTS No.1213 and CTS No.1214 at Kopargaon for the purpose of erecting Party house.
- iii. In the year 1987, three members of the Party formed a public trust namely 'Congress Bhavan Trust, Kopargaon'. The trust was registered at PTR No.E-347/Ahmednagar. An Inquiry Application No.96 of 1987 was filed for registration of the Trust, which came to be approved on 29-09-1987.
- iv. A Scheme Application No.06 of 2002 was also filed by the Trustees for framing of a trust scheme. The application came to be allowed vide Judgment and Order dated 28-06-2002 by the learned Assistant Charity Commissioner Ahmednagar region.
- v. The trust, which was formed by the party members of the Indian National Congress used the premises constructed on the aforementioned plots for party activities.

- vi.** In due course of time, change reports were filed from time to time corresponding to the change in the trustee members.
- vii.** A Change report No.451 of 2016 was filed for incorporating names of three new persons consequent to death of three trustees. After inquiry, the Change report No.451 of 2016 was allowed whereby names of present Respondent nos. 1, 3 and one Mr. Sanjay Rohmare came to be incorporated as trustees.
- viii.** Soon after the Change Report no.451 of 2016 was allowed, Five members of the Trust conducted a meeting wherein on 22-04-2018, a resolution was passed to change trust name from 'Congress Bhavan Trust Kopargaon' to 'Shri Saibaba Trust, Kopargaon'. Accordingly a Change Report No.1292 of 2018 was filed in the office of the learned Deputy Charity Commissioner, Ahmednagar.
- ix.** Learned Deputy Charity Commissioner neither issued any paper notice nor even issued notice to the Petitioner, and yet allowed the Change Report no.1292 of 2018. It is only on 15-08-2022, the Petitioner learnt about the change.
- x.** The Trust itself was formed with an objection of promoting the activities of Indian National Congress, and none else. Utilization of the property is meant only and only for conducting activities of the Indian National Congress party at Kopargaon. Change report no.1292 of 2018 didn't remain to the

extent of change in name, but practically the object of the Trust itself has been washed out.

xi. The authorities ought to have considered this aspect of the matter. Change in name must not be allowed which de-effect object of the forming a Trust. The original trust name denotes object of the trust which is for conduct and promotion of Indian National Congress. The new name denotes a religious trust. The original trust was never a religious trust.

xii. Both the authorities failed to consider that Section 22 of the Act of 1950 was wrongly invoked by the Respondent nos. 1 to 3 for effecting change in name, instead of Section 50-A of the Act of 1950.

xiii. No principles of natural justice were followed while allowing the change in trust name nor the authority observed the procedure.

With this, the Petitioner concludes his argument praying to struck down the Change report No.1292 of 2018 thereby setting aside the orders passed by the learned Assistant Charity Commissioner and the learned Joint Charity Commissioner.

Per Mr. Ganesh Gadhe, learned advocate for Respondent nos. 1 to 3

i. There is neither any legal defect nor any procedural defect in approval of the Change Report No.1292 of 2018.

ii. Change in name of the trust is absolutely permissible as per the provisions of the Act of 1950 and the Rules thereunder.

- iii. Section 22 R/w Section 17 of the Act of 1950 with Rules 5, 8 and 13 of the Rules and the Schedule I clearly demonstrate that there is no legal hurdle in changing name of a trust.
- iv. No provision requires a public notice to be published in newspaper for effecting change in the trust name.
- v. Inquiry u/s 22 of the Act of 1950 was duly conducted by the learned Assistant Charity Commissioner, which is rightly approved by the revision authority u/s 70A of the Act of 1950.
- vi. The Petitioner did not have any *locus standi* to file the revision itself.
- vii. Reference and reliance on Section 50-A is misconceived at the behest of the Petitioner.
- viii. With this, Mr. Gadhe concludes his arguments praying to dismiss the Writ Petition.

Per Mr. R K Ingole Patil, learned Assistant Government Pleader

- i. Learned Assistant Government Pleader echoes the arguments of Respondent nos. 1 to 3.
- ii. He submits that there is no procedural defect in passing both the orders by respective authorities.
- iii. The change and change report is absolutely permissible. Learned Assistant Charity Commissioner exercised such jurisdiction which is conferred on him u/s 22 of the Act of 1950. Learned Joint Charity Commissioner is the

Revision Authority having overall control and supervision over the subordinate authorities. Learned Joint Charity Commissioner has examined the record of the subject-matter change report and the order passed by learned Assistant Charity Commissioner, and found that there is no illegality.

With these submissions, learned Assistant Government Pleader too, prays to dismiss the Writ Petition.

7. Consideration and findings

Challenge in the present petition is only to the extent of Change in the Trust name. Considering the rival arguments, I find that following issues emerge for consideration :

- (a) Whether Change in Trust name is permissible?
- (b) Whether recourse to Section 22 for the Change report No.1292 of 2018 was mistaken, instead of taking recourse to Section 50A of the Act of 1950?
- (c) Whether the learned Assistant Charity Commissioner followed the procedure while approving the Change report No.1292 of 2018?
- (d) Whether the Revision Authority is justified in rejecting the revision?
- i. In the light of above issues, the objection raised by the Petitioner, and the defense of the Respondent nos.1 to 3, it is required to see whether Section 22 of the Act of 1950 permits such change.

- ii. Section 22 (1) of the Act of 1950 speaks thus:

22. Change.— (1) *Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.*

- iii. Thus, the procedure u/s 22 covers recording a change of the entries recorded in the register kept u/s 17 of the Act of 1950. Hence we now look into Section 17 which reads thus:

17. Books, indices and registers.— *In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed. Such books, indices and other registers shall contain such particulars as may also be prescribed.*

- iv. Rule 5 of the Rules of 1951 under the Act of 1950 provides thus:

5. Maintenance of a Register of Public Trusts. *In every Public Trusts Registration Office or Joint Public Trusts Registration Office there shall be maintained a Register of Public Trusts in the form of Schedule I hereto in respect of public trusts registered or deemed to be registered under the Act:*

Provided that the Charity Commissioner may, in the case of any Public Trusts Registration Office or Joint Public Trusts Registration Office, direct the maintenance of such a register separately for different classes of public trusts or areas within the region or sub-division.

- v. So, Section 17 and Rule 5 bring into picture, Schedule-I i.e. register of public trusts. The register contains total 28 entry columns. At Column no. 2 of the Schedule-I, there is entry of Trust name.
- vi. Further, Rule 13 of the 1951 Rules speaks that,

13. Changes in the Register of Public Trusts. (1) Any change or proposed change in any of the particulars recorded in the Register of Public Trusts shall, under subsection (1) of section 22, be reported to the Deputy Charity Commissioner or Assistant Charity Commissioner by the trustee of the trust concerned in the form of Schedule III hereto and such report shall be verified in the manner provided in sub-rule (4) of rule 6.

- vii. Going back to Rule 8-A, it is clear that the Rules even provide for the procedure to be adopted post change in the name. Rule 8-A reads thus:

8A. Registration of public trust when its name is duly changed.:-

Where the name of any trust is duly changed and the Deputy or Assistant Charity Commissioner records this change of the name in respect of the trust in the Register of Public Trusts, the Deputy or Assistant Charity Commissioner may either correct the original certificate is produced, or issue a fresh certificate of registration in the new name with the original registration number on payment of a sum

not exceeding one rupee.

- viii. That means the law recognizes change in the trust name. This Court while deciding the legality of a circular issued by the Charity Commissioner directing deletion of certain portion from a category of public trusts which was done as a change in the trust name, held that ‘change in the trust name is permissible only at the behest of the trustees’. It was a case of jurisdiction and power of the Charity Commissioner to direct change in the trust name. In case of ***Manvi Hakka Sanrakshan and Jagruti v. Charity Commissioner of Maharashtra [2024 SCC OnLine Bom 3740]***, this Court observed at paragraph No.25 thus:

25. Now we propose to analyse the provisions of the Maharashtra Public Trusts Act on the issue raised for our consideration. Section 18 of the said Act provides for registration of public trust to be made by way of an application to the authorities under the Act and the application shall contain inter alia various information including the designation by which the public trust shall be known. On receipt of the said application, an enquiry is conducted by the authorities under the Act and only on completion of the enquiry and on the satisfaction of the authorities that a registration is granted, entries are made in the register maintained for the said purpose. Section 21(2) states that the entries so made shall be final and conclusive subject to the provisions of this Act or subject to any change recorded. Section 22 deals with the provisions relating to change and the procedure to be followed.

This change has to be at the behest of the trustee which results into change in the entries recorded under Section 21, and on enquiry and satisfaction of such a change same has to be recorded in the register. Rule 8-A of the Maharashtra Public Trusts Rules provides that when the name of any trust is changed the authorities would record the same in the register maintained and a fresh certificate would be issued.

- ix. This view is adopted by learned Judge of Single Bench of this Court in the case of **National Egg Co-ordination Committee** (supra) re-iterated the law referred in the case of **Manvi Hakka** (supra). It was also a case wherein an Authority has directed to delete the word 'National' from the trust name. It was re-iterated that such change in name is not permissible in view of the **Manvi Hakka** case (supra).
- x. Thus, it is abundantly clear that change in trust name is permissible in the Act of 1950 at the instance of the Trustees. The Rules provide for the procedure. Reading the provision under the Act and the Rules in harmoniously, it is apparent that change in any entry in the particulars mentioned at Schedule-I of the 1951 Rules can be undertaken u/s 22 of the Act of 1950. Thus, the 1st issue framed above stands answered.
- xi. Now it needs to see whether Section 50-A of the Act of 1950 ought to have been invoked by the Respondent nos. 1 to 3. Text of Section 50-A reads thus ;

[50A. Power of Charity Commissioner to frame, amalgamate or modify schemes.— (1) Notwithstanding anything contained in section 50, where the ³[Assistant or Deputy Charity Commissioner] has reason to believe that, in the interest of the proper management or administration of public trust, a scheme should be settled for it, or where two or more persons having interest in a public trust make an application to him in writing in the prescribed manner that, in the interest of the proper management or administration of a public trust, a scheme should be settled for it, the ³[Assistant or Deputy Charity Commissioner] may, if, after giving the trustees of such trust due opportunity to be heard, he is satisfied that it is necessary or expedient so to do, frame a scheme for the management or administration of such public trust.

(2) Where the ³[Assistant or Deputy Charity Commissioner] is of opinion that in the interest of the proper management or administration, two or more public trusts may be amalgamated by framing a common scheme for the same, he may, after—

(a) Publishing a notice in the Official Gazette ⁴[and also if necessary in any newspaper which in the opinion of the ³[Assistant or Deputy Charity Commissioner] is best calculated to bring to the notice of persons likely to be interested in the trust] with a wide circulation in the region in which the trust is registered, and

(b) giving the trustees of such trusts and all other interested persons due opportunity to be heard, frame a common scheme for the same.

(3) The ³[Assistant or Deputy Charity Commissioner] may, at any time, after hearing the trustees, modify the scheme framed by him under sub-section (1) or sub-section (2).

(4) The scheme framed under sub-section (1) or sub-section (2) or modified under sub-section (3) shall, subject to the decision of the Charity Commissioner under section 70, have effect as a scheme settled or altered, as the case may be, under a decree of a Court under section 50.]

- xii. *Ex-facie*, the power to be exercised u/s 50-A of the Act of 1950 is for framing, amalgamating or modifying a scheme. In the case in hand, the Change Report is only in respect of change in Trust name from 'Congress Bhavan Trust, Kopargaon' to 'Shri Saibaba Trust Kopargaon'.
- xiii. Learned advocate for the Petitioner was at pains to agitate that change in name is in such a fashion and style, that it has virtually dropped the original scheme framed by the trustees. However, he had to agree that the Change Report No.1292 of 2018 is only for change in name.
- xiv. I refrain myself from commenting upon the scheme, its contents and impact of the change for the reason that the issue before me is only in respect of Change in name.
- xv. Hence, going *litera legis* Section 50-A of the Act of 1950 I struck down Petitioner's objection that instead of Section 50-A, recourse by the Respondent nos. 1 to 3 to Section 22 of the Act of 1950 was erroneous.

Here, the 2nd issue stands answered.

- xvi. The 3rd and 4th moot issues could be discussed together. While it is foremost contention of the Petitioner that Public notice in newspaper was mandatory to exercise power u/s 22 of the Act of 1950, the other side submits that public notice under Rule 7-A of the 1951 Rules is contemplated only if there is change in property or inquiry about

existence of a trust.

xvii. Let us now see what Rule 7-A (1) of the Rules of 1951 says.

7A. Public notice before making certain inquiries.

(1) When on application or otherwise, any inquiry is to be made for purposes of sections 19, 22, 22A, 28 or 29 as to whether a public trust exists or whether any property belongs to a public trust, the Deputy or Assistant Charity Commissioner shall, subject to the provisions of this rule, give public notice of such inquiry as provided in subrule (3) by calling upon all persons concerned to submit their objections, if any, to him.

The further sub-rules provide the procedure.

xviii. It is evident that the mandate of public notice is made for the inquiries are undertaken u/s 19, 22, 22-A, 28 or 29 of the Act of 1950 only where the inquiry is in respect of existence of a trust or about ownership of trust over a property. The legislature has specifically mentioned the purpose of the inquiries under the given provisions, to which public notice is necessary. Out of those section, some like Section 22 contain inquiries for such purposes which are in addition to existence of trust or about ownership of trust over a property. The purpose 'change in the record' is excluded in the section. Had the intention of legislature been for mandating public notice to all inquiries under the given Sections, there would not have been specific mention of the purposes of inquiries.

Hence, it can not be accepted that a public notice is required in inquiry u/s 22 of the Act of 1950 for the purpose of effective change in the name of the Trust u/s 22 r/w Section 17, Rule 5 r/w Schedule-I.

- xix. Now the last objection remains about no personal notice to the Petitioner during the inquiry for change in the trust name. Learned Joint Charity Commissioner has observed that the Petitioner fails to point out as to how he was a necessary party for the inquiry calling upon the authority to give him personal notice. There are specific observations by the revision authority as regards to the personal hearing and the procedural compliance. U/s 70-A of the Act of 1950, Joint Charity Commissioner is the competent authority and has overall supervisory powers to examine correctness of the record and the orders passed by the subordinate authorities. In the case in hand learned Joint Charity Commissioner has recorded his satisfaction as to the correctness of the procedure and the legality of the order approving the Change Report No.1292 of 2018.
- xx. I have cautiously gone through a judgment and order passed by High Court of Gujarat at Ahmedabad in First Appeal no.5008 of 2018, relied upon by learned advocate for the Petitioner. Facts are quite different from the case in hand. It is held that Section 22-A could not have been invoked for change in the trust name. In the case in hand too, Section

22-A is not invoked. In the cited case, order passed by the learned District Judge was held to be beyond the jurisdiction u/s 72(1) and (2) of the Trust Act. Apparently, this order is of no avail to the Petitioner. Hence I respectfully decline to apply the said ratio to the case in hand.

xxi. I don't find any fatal defect in the order on revision application and the findings recorded by the authority. Rather, each material point to examine correctness of the order under challenge, the procedure and every aspect of the matter has been discussed by the learned Joint Charity Commissioner. That way, I do not find any reason to cause interference into the impugned order.

Thus, the issues nos. (iii) and (iv) are also answered accordingly.

8. **Conclusion:** For the reasons recorded, I do not find any infirmity in the order passed by the learned Joint Charity Commissioner in turning down the revision application u/s 70-A of the Act of 1950, nor there is any flaw in approving the change report recording change of trust name. Hence the Writ Petition fails, and accordingly I pass following order :

ORDER

1. Writ Petition stands dismissed.
2. Rule stands discharged.

[AJIT B. KADETHANKAR, J.]