



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

907 FIRST APPEAL NO. 858 OF 2026

1. Annasaheb Mahada Maharnawar,
2. Rama Bansi Shinde.

VERSUS

1. The Joint Charity Commissioner, Pune.
2. Shri Pandharinath Ramchandra Gaikwad,
3. Baban Yashwant Maharnawar (Deleted),
4. Devidas Tulshiram Shinde,
5. Dadabhau Parbati Raikar,
6. Manohar Eknath Shahane,
7. Sambhaji Nanabhau Bedre,
8. Raosaheb Dagadu maharnawar,
9. Raosaheb Baburao Shinde.

...
Advocate for Applicant : Mr. More Abhijit S.
AGP for Respondents-State: Ms. R. R. Tandale
Advocate for Respondents No.2, 4 to 9 : Mr. P. P. More and Mr. Kedar A. Pathade

...
**WITH
CIVIL APPLICATION NO. 12107 OF 2025
IN FA/858/2026**
...

CORAM : ROHIT W. JOSHI, J.
Dated : September 23, 2026

ORAL ORDER :

1. The present appeal is filed to challenge the judgment and order dated 24/06/2025 passed by the learned Joint Charity Commissioner, Pune Region, Pune, in an application filed under Section 47 of the Maharashtra Public Trusts Act, 1950 (hereinafter referred to as "the MPT Act" for brevity), which was registered as Appeal No.21 of 2018.

2. Initially, the said application was filed by the present respondent Nos.1 to 3. Subsequently, respondent Nos.4 to 9 were joined as applicants.

3. The proceedings were initiated in relation to a religious public trust namely, Shri Nageshwar Devasthan, bearing PTR Registration No.A-727 (Ahmednagar).

4. The contention of the present respondents, who were the original applicants, is that there were five founder trustees of the said Trust, out of whom three had expired and the remaining two trustees, who were arraigned as non-applicants, were very old and infirm and, as such, could not take care of the affairs of the Trust. The respondents, therefore, prayed that they be appointed as trustees for a short period of time and that they be permitted to file a scheme as contemplated under Section 50-A of the Maharashtra Public Trusts Act.

5. The learned Joint Charity Commissioner has allowed the said application. Perusal of the judgment and order would demonstrate that the learned Joint Charity Commissioner had directed the Inspector of Public Trusts to conduct an inquiry into the matter and furnish a report. The Inspector accordingly submitted his report

dated 28/12/2020.

6. In his report, the Inspector has stated that audit reports of the Trust were not filed with the office after 31/03/2011. He has also stated that Change Report No.1519 of 2018 with respect to election of trustees was pending before the learned Assistant Charity Commissioner.

7. The report also states that, despite repeated notices issued to the present respondents, who were the original applicants, they did not provide the relevant documents as called for by the Inspector for the purpose of conducting the inquiry.

8. The learned Joint Charity Commissioner has recorded that since three out of the five trustees had expired and the remaining two trustees were not in a position to manage the affairs of the Trust due to their old age, it had become necessary to appoint the applicants as trustees to manage the affairs of the Trust. The learned Joint Charity Commissioner has also recorded that the original applicants were residents of the locality in which the temple is situated and were managing the affairs of the Trust responsibly.

9. Learned Advocate for the appellants submits that although the Inspector has, in his report, categorically stated that Change Report

No.1519 of 2018 was pending with respect to election of trustees, the learned Joint Charity Commissioner has recorded that there were no legal or active trustees remaining to look after the affairs of the Trust as per the inspection report.

10. The learned Advocate contends that the said observation is absolutely contrary to the contents of the inspection report. He further submits that another Change Report bearing No.646 of 2023 has also been filed by the appellants, in which the present respondent Nos.2, 7 and 9 have lodged their objections. The learned Advocate, therefore, submits that respondent Nos.2, 7 and 9 were aware about the pending change reports and yet the said fact was not brought to the notice of the learned Joint Charity Commissioner.

11. It is further contended that directions to file a scheme application have also been issued without noticing the fact that such an application had already been filed by the appellants, being Application No.48/50A/2023.

12. The learned Advocate contends that the present appellants are looking after the affairs of the Trust properly and, as such, the proceedings ought not to have been decided without notice and opportunity of hearing to them.

13. Learned Advocate for the respondents supports the judgment and order impugned in the appeal. His contention is that the appointment of the respondents as trustees is only by way of a stopgap arrangement and, once the scheme is framed, the regular body of trustees will assume charge of the affairs of the Trust.

14. He contends that the allegations with respect to suppression of facts are irrelevant, because the application under Section 47 of the MPT Act was filed on 27/06/2018 and Change Report No.1519 of 2018 was filed subsequently on 18/09/2018.

15. The foundation of the impugned order is that there was no active trustee to manage the affairs of the Trust. It is also recorded that there were no pending change reports with respect to the trustees of the Trust. The impugned order is predominantly passed on this ground.

16. In view of the aforesaid, it is apparent that respondent Nos.2, 7 and 9 were aware about the pending Change Report No.646 of 2023 and yet this fact was not brought to the notice of the learned Joint Charity Commissioner.

17. The learned Joint Charity Commissioner has also not adverted to Clause 5 of the report furnished by the Inspector, which merely

states that Change Report No.1519 of 2018 was pending before the learned Assistant Charity Commissioner.

18. In view of the aforesaid, in the considered opinion of this Court, the impugned order cannot be sustained and is liable to be quashed and set aside.

19. It would be expedient to direct the learned Joint Charity Commissioner to decide the application filed under Section 47 of the MPT Act afresh by affording an opportunity of hearing to the present appellants and the persons whose names are included as elected trustees in Change Report Nos.1519 of 2018 and 646 of 2023.

20. In the result, the following order is passed:

(i) The judgment and order dated 24/06/2025 passed by the learned Joint Charity Commissioner, Pune Region, Pune, in Appeal No.21 of 2018 in relation to Shri Nageshwar Devasthan, PTR No.A-727 (Ahmednagar) is quashed and set aside.

(ii) The learned Joint Charity Commissioner shall decide the application afresh by affording an opportunity of hearing to the present appellants and all persons whose names are included as elected trustees in Change Report Nos.1519 of 2018 and 646 of 2023.

(iii) The present appellants shall communicate the present order to the other persons whose names are included as elected trustees in the aforesaid change reports and ensure that they remain present before the learned Joint Charity Commissioner, without formal notices being issued.

(iv) The parties to appear before the learned Joint Charity Commissioner on 12/10/2026. Separate notices for appearance shall not be issued.

(v) The learned Joint Charity Commissioner is requested to decide the application as expeditiously as possible and preferably before 31st December 2026.

Pending application stands disposed of.

(ROHIT W. JOSHI, J.)

vj gawade/-.