

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9990 OF 2014**

**Kalyani Gorakshan Trust & Ors.
Vs.**

..Petitioners

Madan Umakant Takale & Ors.

..Respondents

Mr. S.R. Ronghe i/b Mr. Manoj Wadekar for the Petitioners

**Mr. Ashish Kamat a/w Mr. Kunal Mehta i/b Crawford Bayley & Co. for the
Respondent Nos.1, 2 & 3**

Ms M. S. Bane, “B” panel counsel for the Respondent No.4

CORAM : R. M. SAVANT, J.

DATE : 10th June, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 13-6-2014 passed by the Assistant Charity Commissioner, Satara Region, Satara, by which order, the application Exhibit 18 filed by the Petitioners for recalling of the order dated 6-4-2013, came to be dismissed. By the said order dated 6-4-2013, the Assistant Charity Commissioner had directed the notice of the concerned Change Report proceeding being Change Report No.85 of 2013, to be published in the manner mentioned in the said order. The Petitioners herein are the reporting trustees in so far as the said Change Report No.85 of 2013 is concerned. By the said Change Report what is sought is the deletion of clause 7(B)(ii) of the Trust Deed which concerns the devolution of the trusteeship of the trust in question. It is having regard to the scope of the inquiry in the said Change Report proceeding that the Assistant Charity

Commissioner deemed it appropriate to direct notice to be published in the manner as directed by the order dated 6-4-2013. The Petitioners filed the instant application Exhibit 18 for recalling of the said order on the ground that the said course of action propounded by the Assistant Charity Commissioner is not contemplated by Rule 7A and that notice could be published only when the Change Report concerns two issues namely whether the trust is a public trust or whether the property belongs to the public trust.

2 In the instant case, as indicated above, the change is sought in respect of the trust deed by deletion of clause 7(B)(ii) which governs devolution of the trusteeship. It is in the said context the Assistant Charity Commissioner deemed it appropriate to issue a public notice and directed its publication in the manner as directed by the order dated 6-4-2013. In my view, the contention urged on behalf of the Petitioner by the Learned Counsel Mr. Ronghe that since by Rule 7A notice can be published only in case of two eventualities covered by the said Rule, cannot be accepted. In my view, having regard to the scope of the Change Report proceedings which would have far reaching consequences, the publication of the notice as directed by the Assistant Charity Commissioner, cannot be faulted with. Hence no case for interference is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]