

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

9 WRIT PETITION NO. 10154 OF 2015
WITH WP/7715/2015

PANDURANG GOVINDRAO PHAWADE
VERSUS
BHAGATSINGH SHIKSHAN SANSTHA WAGHULI
THROUGH HIS SECRETARY SHAIKH BAHADURSAHEB
MOHIDDIN.

Shri. Satyajeet S. Dixit, Advocate, for petitioner in Writ
Petition No.10154/2015.

Shri. Shoyab Shaikh, Advocate, for petitioner in Writ
Petition No.7715/2015.

Shri. Shoyab Shaikh, Advocate, for respondent Nos.1 and
2 in Writ Petition No.10154/2015.

Shri. B.B. Bhise, Advocate, for respondent Nos.1 and 2 in
Writ Petition No.7715 of 2015.

Shri. S.N. Kendre, Assistant Government Pleader, for
respondent No.3 in both the writ petitions.

CORAM: T.V. NALAWADE, J.

DATE : 29 AUGUST 2016

ORDER:

1) Both the petitions are filed against the same
order dated 24-3-2015 made by the Assistant Charity
Commissioner Latur Region, Latur on applications moved
for intervention in Inquiry No.511/2013. Application at

Exhibit 11 was moved by in all three persons. After hearing both the sides, the applications made by Bhivaji Mandade and Govind Jadhav is allowed and they are allowed to intervene in the matter. But the application of Pandurang Phawade is rejected.

2) It appears that the petitioner of Writ Petition No.7715/2015 has filed Change Report in respect of the elections of the Trust held in the year 2013 for the period of 5 years. It is the case of the petitioners from other proceeding that they have interest in the trust as in the past they were in service of the trust for some time and one of them was working as Joint Secretary and also teacher. It is the case of the persons who are allowed to intervene that they are member of the trust.

3) The petitioner from WP 7715/2015 contended that the two persons who are allowed to intervene were removed from the membership and accordingly the correction was made in the register and so the Assistant Charity Commissioner has committed error in presuming that they are valid members.

4) The wording of Section 73-A of the Maharashtra Public Trust Act shows that any person interested in the public Trust may be joined as a party to such proceeding on application. Learned counsel for the petitioner from Writ petition No.7715/2015 took this Court through the definition of "person having interest" given in section 2(10). This Court has carefully gone through the reasons given for allowing them to intervene. In view of circumstances of the case, it can be said that even others could have been allowed to intervene in the matter. When the purpose of the persons who are allowed to intervene is served, others can act as witnesses of the persons who are allowed to intervene and that way the others can produce material which may be relevant. Due to these circumstances, this Court holds that there is no need to interfere in the order made by the learned Assistant Charity Commissioner. The point as to whether the two persons who are allowed to intervene now have ceased to be members needs not be considered in the proceeding like the present one in view of nature of dispute.

5) In the result both the petitions are dismissed. The change report pending before the Assistant Charity Commissioner is to be expedited and in any case within six months from the date of receipt of the order of this Court.

Sd/-
(T.V. NALAWADE, J.)

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