

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

WRIT PETITION NO.997 OF 2015

1. Arun Dattatray Mahale,
Age 57 years, Occu. Business
2. Yuvraj Mahadu Chaudhari,
Age 45 years, Occu. Business
3. Sunil Budhaji Chaudhari,
Age 50 years, Occu. Business

All R/o Deopur, Dhule,
Taluka and District Dhule

... PETITIONERS

VERSUS

1. Assistant Charity Commissioner 1,
Dhule Region, Dhule
(Copy to be served through
Government Pleader, High Court
of Bombay, Bench at Aurangabad)
2. Yeshwant Pandurang Chaudhari,
Age 55 years, Occu. Agril.,
3. Dilip Pandurang Chaudhari,
Age 60 years, Occu. Agril.,
4. Ramesh Vitthal Chaudhari,
Age 55 years, Occu. Agril.,

Respondent Nos.2 to 4 all
R/o Chimthane, Taluka Shindkheda,
District Dhule

... RESPONDENTS

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Shri M.S. Deshmukh, Advocate for petitioners
Shri S.K. Tambe, A.G.P. for State
Shri V.D. Hon, Senior Counsel with
Shri A.V. Hon, Advocate for respondent Nos.2 to 4
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WITH

WRIT PETITION NO.1003 OF 2015

1. Arun Dattatray Mahale,
Age 57 years, Occu. Business
2. Yuvraj Mahadu Chaudhari,
Age 45 years, Occu. Business
3. Sunil Budhaji Chaudhari,
Age 50 years, Occu. Business

All R/o Deopur, Dhule,
Taluka and District Dhule

... PETITIONERS

VERSUS

1. Assistant Charity Commissioner 1,
Dhule Region, Dhule
(Copy to be served through
Government Pleader, High Court
of Bombay, Bench at Aurangabad)
2. Ramrao Shankarrao Gagare
Age 62 years, Occu. Agril.,
3. Rajendra Gulzarsing Girase
Age 45 years, Occu. Agril.,

Respondent Nos.2 and 3 R/o
Chimthane, Tq. Shindkheda,
District Dhule

4. Dilip Devraj Jain
Age 57 years, Occu. Agril.,
Ekta Nagar, Nakane Road,
Deopur, Dhule, District Dhule

... RESPONDENTS

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Shri M.S. Deshmukh, Advocate for petitioners
Shri S.B. Pulkundwar, A.G.P. for State
Shri S.P. Shah, Advocate for respondent No.4
.....

WITH

WRIT PETITION NO.1005 OF 2015

1. Arun Dattatray Mahale,
Age 57 years, Occu. Business
2. Yuvraj Mahadu Chaudhari,
Age 45 years, Occu. Business
3. Sunil Budhaji Chaudhari,
Age 50 years, Occu. Business

All R/o Deopur, Dhule,
Taluka and District Dhule

... PETITIONERS

VERSUS

1. Assistant Charity Commissioner 1,
Dhule Region, Dhule
(Copy to be served through
Government Pleader, High Court
of Bombay, Bench at Aurangabad)
2. Vijay Hemraj Kolapkar
Age 50 years, Occu. Agril.,
3. Yogesh Jaising Girase
Age 28 years, Occu. Agril.,

Respondent Nos.2 and 3
R/o Chimthane, Taluka Shindkheda,
District Dhule

... RESPONDENTS

.....
Shri M.S. Deshmukh, Advocate for petitioners
Shri S.K. Tambe, A.G.P. for State
Shri S.P. Brahme, Advocate for respondent Nos.2 and 3

WITH

WRIT PETITION NO.1006 OF 2015

1. Arun Dattatray Mahale,
Age 57 years, Occu. Business
2. Yuvraj Mahadu Chaudhari,
Age 45 years, Occu. Business
3. Sunil Budhaji Chaudhari,
Age 50 years, Occu. Business

All R/o Deopur, Dhule,
Taluka and District Dhule

... PETITIONERS

VERSUS

1. Assistant Charity Commissioner 1,
Dhule Region, Dhule
(Copy to be served through
Government Pleader, High Court
of Bombay, Bench at Aurangabad)
2. Ramrao Shankarrao Gagare
Age 80 years, Occu. Agril.
3. Yeshwant Pandurang Chaudhari
Age 62 years, Occu. Agril.
4. Dilip Pandurang Chaudhari
Age 60 years, Occu. Agril.
5. Ramesh Vitthal Chaudhari
Age 55 years, Occu. Agril.

Respondent Nos.2 to 5 all
R/o Chimthane, Tq. Shindkheda,
District Dhule

6. Indrasing Bakhatsing Girase,
Age 62 years, Occu. Agril.
7. Vijay Humraj Kolapkar
Age 55 years, Occu. Agril.
8. Yogesh Jaysing Girase
Age 50 years, Occu. Agril.
9. Nimba Mahadu Borse

Age 57 years, Occu. Agril.

10. Sahebrao Motiram Borse,
Age 52 years, Occu. Agril.
11. Devidas Soba Nagrale
Age 45 years, Occu. Agril.
12. Ransing Khumansing Girase
Age 47 years, Occu. Agril.
13. Tarachand Daga Patil
Age 50 years, Occu. Agril.
14. Ashok Sattar Mahajan
Age 42 years, Occu. Agril.
15. Ananda Rupa Chaudhari
Age 40 years, Occu. Agril.
16. Tarachand Nhananka Bhoi
Age 58 years, Occu. Agril.
17. Ramesh Sada Marathe,
Age 49 years, Occu. Agril.

All R/o Chimthane, Taluka Shindkheda,
District Dhule

... RESPONDENTS

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Shri M.S. Deshmukh, Advocate for petitioners
Shri S.R. Yadav, A.G.P. for State
Shri S.P. Brahme, Advocate for respondent Nos.2 to 17
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CORAM: S. B. SHUKRE, J.

DATED: 3rd March, 2017.

ORAL JUDGMENT :

1. Heard learned counsel for the petitioner, learned
A.G.P. for the State and learned counsel for contesting

respondents. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. In Writ Petition Nos.997/2015, 1003/2015 and 1005/2015, the applications filed vide Exhibits 31, 13 and 14 respectively in Scheme Application Nos.10/2011, 18/2011 and 21/2011 by the petitioners, for being added as the applicants along with applicants in those scheme applications, were rejected holding that although the petitioners were having prima facie interest, the petitioners had already filed their scheme application No.9/2014 and, therefore, the interest of the petitioners could be taken care of by hearing that application.

3. In Writ Petition No.1006/2015, the petitioners have challenged impleadment of the some of the respondents as opponents in the scheme application of the petitioners bearing No.9/2014 by allowing of the application of the respondents, filed at Exhibit 14.

4. After hearing Shri Deshmukh, learned counsel for the petitioners and Mr. Hon, learned Senior counsel and Mr. Brahme, learned counsel for the respective contesting respondents, it appears that, basically, although it is not reflected in so many

words, the reason for rejection of the applications of the petitioners, was that, they had sought to be impleaded not as opponents but as applicants in the Scheme Application Nos.10/2011, 18/2011 and 21/2011. It is also seen that, in these scheme applications, the applications of the other persons having interest in the Trust, were allowed primarily for the reason that their impleadment was sought not as party applicants, but as party opponents. For the same reason, the third party interested persons were allowed to be impleaded as opponents in Scheme Application No.9/2014, which is subject matter of challenge in Writ Petition No.1006/2015. Such being the reason, disclosed in the impugned orders, the petitioners, in my view, could not seek the benefit of ground of parity. At the same time, the petitioners can secure their interest by choosing to file fresh applications making appropriate prayers on the lines similar to the ones made in the other applications, if at all the petitioners are desirous of getting the benefit of ground of parity.

5. In this view of the matter, I do not see any reason for the present to interfere with the impugned orders. However, I deem it necessary to give appropriate liberty to the petitioners.

6. The Writ Petitions are, therefore, dismissed.

However, liberty is granted to the petitioners to make appropriate applications before the learned Assistant Charity Commissioner. It is made clear that, dismissal of this petition shall not come in the way of the petitioners in urging the learned Assistant Charity Commissioner to grant them the benefit of parity. If any such applications are made, they shall be decided in accordance with law, within two weeks after giving appropriate opportunity of hearing to all the sides.

7. Rule is discharged. No costs.

(S. B. SHUKRE)
JUDGE

fmp/