

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

WRIT PETITION NO. 7149 OF 2015

1. Harishchandra Bhagwan Satpute .. Petitioners
Age. Major, Occ. Agri.,
R/o. Vikasnagar, Latur,
Tal. & Dist. Latur.
2. Sow.Sojarbai w/o. Harischandra Satpute
Age. Major, Occ. Household,
R/o. As above.
3. Sow.Suhashini w/o. Sunilkumar Satpute
Age.Major, Occ. Household,
R/o. As above.
4. Sunilkumar Harischandra Satpute
Age. Major, Occ. Service,
R/o. As above.
5. Santosh Ambadas Gaikwad
Age. Major, Occ. Agri.,
R/o. Khoregalli, Latur,
Tal. & Dist. Latur.
6. Vaijanta w/o. Bhibhishan Kamble,
Age. Major, Occ. Household,
R/o. Vikasnagar, Latur,
Tal. & Dist. Latur.
7. Vikas Harischandra Satpute
Age. Major, Occ. Agri.,
R/o. Umbadga (Bk), Tal. Ausa,
Dist. Latur.
8. Lalita Ambadas Gaikwad,
Age. Major, Occ. Household,
R/o. Khoregalli, Latur,
Tal. & Dist. Latur.

9. Sow. Sangita w/o. Babasaheb Kusbhage
Age. Major, Occ. Household,
R/o. New Renapur Naka, Latur,
Tal. & Dist. Latur.
10. Sow. Deepa w/o. Vikas Satpute
Age. Major, Occ. Household,
R/o. Umbadga (Bk), Tal. AUSA,
Dist. Latur.
11. Ambadas Maruti Gaikwad
Age. Major, Occ. Agri.,
R/o. Khoregalli, Latur,
Tal. & Dist. Latur.

Versus

1. Madhukar Ganpati Thorat .. Respondents
Age. 58 years, Occ. Pensioner,
R/o. Umbadga (Bk), Tal. AUSA,
Dist. Latur.
2. The Deputy Charity Commissioner,
Latur Region, Latur.

Mr.V.D. Gunale, Advocate for the petitioners.
Mr.S.S. Jadhavar, Advocate for respondent No.1.
Mr.S.K. Tambe, AGP for State.

CORAM : S.B. SHUKRE, J.
DATED : 23.02.2017

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by consent.

2. On perusal of the impugned order dated 27.11.2014 one can very well see that the impugned order does not take into consideration one of the criteria laid down by this Court in the case of Chetan Mehta Vs. State of Maharashtra & Ors., 2008(6) Bom.C.R.594 to the effect that whether a person seeking to intervene as third party in the enquiry, instituted under section 22 of the Maharashtra Public Trusts Act (for short "the Act"), would be in a position to render meaningful assistance to the Enquiry Officer or not. This Court in paragraph (6) has observed to the effect that the Authority is not expected to grant the request mechanically but will have to keep in mind that impleadment was because that person may be a necessary party and that such person is in a position to assist the enquiry by producing relevant evidence and not for making appearance merely because he has interest in the Trust. This observation has been completely ignored by the learned Dy. Charity Commissioner, as there is no finding recorded in this regard by him. In-fact, the petitioners have filed another change report of same date i.e. 1st July, 2013 about one month prior to change report filed by the respondents and therefore, their participation in the enquiry would be of great assistance to the Enquiry Officer for deciding the change report effectively and properly.

3. Then the learned Dy. Charity Commissioner has also not considered the definition "person having interest" given in section 2(10) of the Act. The definition is inclusive in nature and includes any trustee or beneficiary in case of any

other public trust. Admittedly, the petitioners are members of a public trust and therefore would have to be said as squarely falling within the definition of the term "person having interest" given in section 2(10) of the Act.

4. In this view of the matter the impugned order would have to be quashed and set aside. The writ petition is allowed. The impugned order dated 27.11.2014 is quashed and set aside. The application vide Exh.4 is allowed. The petitioners be impleaded in the Inquiry Proceeding No.72 of 2014 as interveners and they be granted opportunity of hearing accordingly.

5. Rule made absolute accordingly. No costs.

[S.B. SHUKRE,J.]