

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.33929 OF 2016

Shri. Ram Narayandas Ramdayaldas Bairagi ..Petitioner

Versus

Shri. Balaji Mandir Trust and others ..Respondents

**Mr. Khatib Vakil a/w Mr. Sham Trivedi i/by Mr. A. R. Rayani for the
Petitioner.**

Mrs. V. S. Nimbalkar, AGP for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 6th FEBRUARY, 2017

PC.

1 The order dated 21.01.2016 passed by the Joint Charity Commissioner, Pune Region, Pune is taken exception to by way of the above Petition. By the said order, the application being No.2 of 2016 came to be allowed and the Petitioner herein namely, Mahant Shri. Ramnarayandas Ramdayaldas Bairagi has been suspended by the Charity Commissioner to act as a trustee of the trust in question.

2 It seems that a resolution came to be passed by the trustees of the trust in question on 09.01.2016. By the said resolution, the trustees of the trust in question have resolved to take action against the Respondent as he had stopped the construction of the temple. The allegation against the Respondent is that he is also taking out money

from the donation box and that he is not depositing the said amount in the Bank as also not giving the account of the said amount. It is also alleged that he is instigating the tenants and shop keepers against the trustees and that he is misconducting himself against the trustees by threatening the trustees. It seems that police complaints have also been filed against him. The Respondent was appointed as a trustee alongwith other persons by order dated 25.07.2014 passed by the Learned Charity Commissioner. Hence the sum and substance of the allegations against the Petitioner is that he is acting against the interest of the trust as he is not permitting other trustees to carry out development work and especially the construction of the temple which has become very old.

3 In my view, having regard to the reasons mentioned in the impugned order as also considering the fact that under Section 47 of the Maharashtra Public Trusts Act, 1950, the power to appoint, suspend, remove or discharge a trustee is that of the Charity Commissioner. The order impugned in the present Petition founded on the aforesaid grounds cannot be found fault with. No case for interference in the writ jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]