

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

WRIT PETITION NO.7778 OF 2017

Ramswarupdas Ramdayaldas Bairagi & Ors. .. Petitioners
Vs.
The Joint Charity Commissioner, Pune & Ors. .. Respondents

Mr.Santaram Tarale for the petitioners.
Mr.Manoj Patil for the respondent nos.1 & 2.
Mr.S.H.Kankal, AGP for the respondent-State.

CORAM : R.D. DHANUKA, J.
DATE : 26th June 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 30th May 2017 passed by the respondent no.1 below Exhibits 5 & 15 filed by the petitioners and few others inter alia praying for intervention and the application filed by the trustees under Section 50 A(3) of the Maharashtra Public Trusts Act, 1950 (for short “the said Act”) inter alia praying for modification of the scheme as far back as on 28th January 1992 on the grounds set out in the application for seeking modification of the scheme.

2. Applications were filed by the trustees in the month of April 2016. The petitioners and few others applied for interventions in the said proceedings on various grounds. Two applications for intervention were opposed by the trustees on the ground that the applicants were not the persons interested in the affairs of the trust and thus could not have been permitted to intervene in the application for seeking modification of the

scheme under Section 50A(3) of the said Act. The learned Joint Charity Commissioner passed an order on 30th May 2017 thereby rejecting both the applications filed by the petitioners by rendering detailed reasons.

3. Learned counsel for the petitioners invited my attention to the averments made in the application filed by the trustees under Section 50A(3) and also the averments made in the application filed by the petitioners and few others for intervention. The said application is filed by the trustees. It is submitted by the learned counsel that the petitioners are the persons interested. The petitioner no.1 claims himself to be a Mahant. The petitioner no.2 claims to be a Pujari. The petitioner no.3 was initially appointed as a Deputy Vice President and was subsequently removed.

4. It is submitted by the learned counsel that though various findings are rendered by the learned Joint Charity Commissioner holding that various proceedings were filed against some of the applicants, no such proceedings were actually filed against the petitioners. He submits that the amendment sought in the sanctioned scheme by the trustees were totally prejudicial to the interest of the trust. The trustees already appointed by the trust cannot be allowed to continue in perpetuity.

5. Mr.Patil, learned counsel appearing for the trustees, on the other hand, opposes this application vehemently on the ground that none of the petitioners have any interest of whatsoever nature in the trust and thus the learned Joint Charity Commissioner has rightly rejected the intervention application filed by the petitioners and few others. He submits that the learned Joint Charity Commissioner has also recorded a

finding that these petitioners are hostile to the interest of the trust and their object is to see that the Trust is destroyed and thus they would fall in the latter category or can be said to be having interest in the trust. The petitioner could not have any interest in the trust but are having interest contrary to the interest of the trust.

6. A perusal of the record indicates that the original scheme was sanctioned as far back as on 28th January 1992. The trustees sought amendment to the provisions of the original scheme sanctioned by the authority on various grounds including on the ground that the provisions of the scheme sanctioned as far back as on 28th January 1992 were outdated and required modification.

7. In so far as the applications filed before the Joint Charity Commissioner are concerned, a perusal of the impugned order indicates that various criminal proceedings were filed against the applicants before various forum. Learned Joint Charity Commissioner has rendered various findings against the petitioners about their conduct being prejudicial to the interest of the Trust. They have been restrained from entering the temple premises by various orders. The petitioners are causing obstructions in the administration of the trust only to save their interest.

8. In paragraph 8 of the impugned order, the learned Joint Charity Commissioner has rendered a finding that there is no provision of any Chela tradition in so far as the trust is concerned. There is no specific provision to protect the interest of Bairagis. The petitioner no.1 claims to be tenant whereas the other petitioners are employees and thus would not fall under the category of person having interest in the trust.

Learned Joint Charity Commissioner rendered various findings of facts which are not perverse and thus cannot be interfered with by this Court under Article 227 of the Constitution of India. The impugned order records various detailed reasons. I do not find any infirmity with the impugned order. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

R.D. DHANUKA, J.