

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 27224 OF 2017

Bhujangrao Jijaba Jadhav & Ors. Petitioners

VERSUS

Madhusudan Vasant Chitale & Ors. Respondents

ALONGWITH

WRIT PETITION (ST) NO. 31373 OF 2017

Prakash Dharmaji Bhosale & Ors. Petitioners

VERSUS

Madhusudan Vasant Chitale & Ors. Respondents

Mr.D.D.Rananaware for the Petitioners.

Mr.Akshay Shinde, i/b. Mr.A.M.Kulkarni for the Respondent no.1.

Mr.S.H.Kankal, A.G.P. for the State – Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 14th JUNE, 2018

P.C.

Heard learned counsel appearing for the parties.

2. The intervention application of these two petitioners who are from the same village and claimed to be the devotees of the temple run by the trust came to be rejected by the learned Joint Charity Commissioner.

3. By an order dated 6th December,2017 passed by this court various *prima facie* observations were made by this court about the interest of the petitioners in the trust in terms of section 10(a) of the

Maharashtra Public Trust Act, 1950. This court has also granted ad-interim stay of the other proceedings arising out of the Application No.55 of 2015 filed by the trust under section 36 of the Maharashtra Public Trust Act, 1950.

4. In my view, in these circumstances and for the reasons recorded by this court in the order dated 6th December, 2017, the petitioners would be the persons interested within the meaning of section 2(10) of the Maharashtra Public Trust Act, 1950 and shall be allowed to intervene in the application filed by the trust under section 36 of the Act. I, therefore, pass the following order :-

(a) The impugned order dated 9th August, 2017 passed by the learned Joint Charity Commissioner, Pune rejecting the application filed by the petitioners for intervention of the Application No.55 of 2015 is quashed and set aside.

(b) The applications for intervention filed by the petitioners are allowed.

(c) The learned Joint Charity Commissioner shall pass an order on the said Application No.55 of 2015 filed under section 36 of the Maharashtra Public Trust Act, 1950 after hearing the applicants in person or through their advocates and after complying with the principles of natural justice

expeditiously and not later than two months from the date of the first meeting.

(d) The objections, if any, of the petitioners shall be filed within two weeks from today.

(e) The applicant as well as the trustees are directed to remain present before the learned Joint Charity Commissioner on 22nd June, 2018 at 03.00 p.m. without fail.

5. Both the writ petitions are made absolute in the aforesaid terms.
6. It is made clear that this court has not expressed any views on the issue as to whether the trustees have made out any case for permission under section 36 of the Maharashtra Public Trust Act, 1950 or not.
7. All contentions on merits of both the parties in both the matters are kept open. No order as to costs.
8. The parties as well as the authority to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]