

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9365 OF 2018

Bhaidas Ashok Bhadane & another	Petitioners
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.9482 OF 2018

Bhaidas Ashok Bhadane & another	Petitioners
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.9488 OF 2018

Bhaidas Ashok Bhadane & another	Petitioners
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.9511 OF 2018

Bhaidas Ashok Bhadane & another	Petitioners
Versus	
The State of Maharashtra & others	Respondents

Mr.A.S. Sawant advocate for the petitioners
Mr.S.W. Munde & Mr. S.R. Yadav, AGPs for respondent Nos.1 to 3

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CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 12th MARCH, 2019)

PER COURT :-

1 All these identically placed petitioners are aggrieved by the order dated 20.1.2017 by which, the Assistant Charity Commissioner has rejected their applications, seeking impleadment in the Change Reports No.440/2017 to 443/2017.

2 I have considered the strenuous submissions of the learned Advocate for the petitioners.

3 The contention is that, petitioners are related to the founder members of the concerned Trust. A chaotic situation prevails in the Trust. All the founder members of the said Trust are not alive today and a few members are mis-utilizing the Trust. These petitioners were instrumental in moving the statutory authorities for cleansing the Trust, in order to get rid of the malpractices. Therefore, proceedings with regard to seeking membership of the Trust are also kept lingering, so as to avoid granting membership to these persons. They, therefore, sought leave to be added in Change Report Enquiry Nos.440 to 443 of 2017 and the same has been rejected on the ground that these petitioners did not fall within the definition of interested person under section 2(10) of the Maharashtra Public Trusts Act. Reliance is placed on the Judgment of the Honourable Apex Court in the matter of ***Shree Gollaleshwar Dev & others versus***

Gangawwa Kom Shantayya Math & others (1985 (4) SCC 393).

4 I find that these petitioners, today, are unconnected with the Trust, except through their sentiments, in view of their parents or grant parents being the founder members of the Trust.

5 In Shree Gollaleshwar Dev & others versus Gangawwa Kom Shantayya Math & others (1985 (4) SCC 393), (supra), the Honourable Apex Court recorded that the parties before the Court were admittedly members of the Trust.

6 As such, though the impugned orders appear to be cryptic in nature, I do not find that the conclusion drawn can be branded as being perverse or erroneous. These petitions, being devoid of merit are, therefore, dismissed.

7 It is, however, made clear that those proceedings initiated by these petitioners for seeking membership of the said Trust, would be considered independently by the Competent Authority in accordance with law and as expeditiously as possible.

**(RAVINDRA V. GHUGE),
JUDGE**