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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3446 OF 2022
WITH
WRIT PETITION NO.3473 OF 2022
WITH
WRIT PETITION NO.3469 OF 2022
WITH
WRIT PETITION NO.3445 OF 2022

Girna Vidya Prasarak Mandal, Mehunbare
through its Secretary,

PETITIONER

VERSUS

The Deputy Charity Commissioner and Others RESPONDENTS

.....
Mr. Sushilkumar H. Tripathi, Advocate for the petitioner
Mr. S. W. Munde, AGP for respondent - State
Mr. Parag Vijay Barde, Advocate for respondents No. 2, 3 and 4
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th MARCH, 2022

ORDER :

1. The petitioner Trust is aggrieved by the orders passed by the Deputy Charity Commissioner / respondent No.1 below Exhibit-14 in inquiry No. 1168 of 2014, below Exhibit-7 in inquiry No. 1345 of 2018, Exhibit-7 in inquiry No. 1721 of 2013, and below Exhibit-10 in inquiry No. 311 of 2019, thereby allowing the applications filed by respondents No. 2 to 4 under section 73-A of the Maharashtra Public Trusts Act, 1950 (hereinafter for

short "the said Act") seeking to intervene in the inquiries as persons having interest in the Trust.

2. Learned advocate for the petitioner, Mr. Tripathi, strenuously submitted that respondents No. 2 to 4 are not the members of the Trust and hence respondent No. 1 should have rejected their applications seeking intervention in the inquiries, which are filed for acceptance of the change reports. It is submitted that the respondents are in no way concerned with the Trust and, therefore, the impugned orders cannot sustain. In support of his submissions, he placed reliance on a judgment in the case of ***"Satish Vasant Salpekar V/s Ashwin Ghatate and Another" 2018 (2) Mh.L.J. 57.***

3. Mr. Barde, learned advocate for respondents No. 2 to 4, whose intervention applications are allowed, on the other hand, would submit that the respondents are repeatedly prosecuting the proceedings filed in respect of the said Trust. He placed reliance in the orders passed in writ petitions No. 3059 of 2014, 3203 of 2014 and 2045 of 2006. In writ petitions No. 3059 of 2014 and 3203 of 2014, filed by the respondents, this Court has observed that *"it would be open for the petitioner to raise objection to the process of election and conduct thereof under section 22 of the Maharashtra Public Trusts Act at the stage of*

consideration of the change report”.

4. In the impugned orders, respondent No.1 has observed that *prima facie* from the documents filed on record it appears that the respondents have participated in many judicial proceedings in respect of the petitioner Trust. By going through the record, he *prima facie* came to the conclusion that the intervenors / respondents No. 2 to 4 are the persons interested in the Trust. Whether they are valid members or not can be taken into consideration at the time of recording of the evidence and in that view of the matter, respondent No.1 allowed the applications and permitted respondents No.2 to 4 to intervene in the inquiries.

5. In "**Satish Vasant Salpekar**" (supra), a co-ordinate bench of this Court has held that Trustee, who filed application to join as intervenor in the change report, was appointed after filing of the change report and it is not proved by the applicants that their impleadment would assist in determining change reports. Merely being trustee would not make them interested person in change report. In these facts, this Court upheld the rejection of their application for impleadment. Such are not the facts of the present case. In the present case, it is a matter of record that the respondents have earlier participated in judicial proceedings

in respect of the petitioner Trust and they were permitted to raise objection to the present change reports. In that view of the matter, respondent No.1 has passed a reasoned order. There is no illegality or perversity in the impugned orders. The petitions, being devoid of merits, are dismissed. No costs.

[NITIN B. SURYAWANSHI]
JUDGE

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