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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO.15002 OF 2023

**PANDURANG VITTHAL GAIKWAD AND ANOTHER
VERSUS
SHALINI ASHOK GHULE AND OTHERS**

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Mr Vinod Prakash Patil, Advocate for Petitioners;
Mr Shrikishan S. Shinde, Advocate for Respondent No.1
Mr D. B. Rode, Advocate for Respondent No.2
Mr A. B. Girase, G.P. for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 7th December, 2023

PER COURT:

1. The Petitioner and one other person, claiming to be the members of the Shree Khandoba Devasthan, Pimpalgaon Rotha, Taluka Parner, District Ahmednagar (Trust), have preferred this Petition, in which, the President and the Secretary of the Trust have been arrayed as Respondents in person. The Superintendent of the Deputy Charity Commissioner, Ahmednagar has been added as Respondent No.3.

2. We have considered the submissions of the learned Advocates for the respective sides and the learned Government Pleader for Respondent No.3.

3. Having perused the impugned order dated 01/12/2023, passed by the Deputy Charity Commissioner, Ahmednagar, it is apparent that the Petitioners had moved an Application No.1113/2023 under Section 41-A of the Maharashtra Public Trust Act, 1950, seeking a direction to the Chairman and the Secretary of the Trust, to hold 'Harinam Kirtan Saptah' from 09/12/2023 until 16/12/2023 and hold the 'Champashashthi Mahotsav' on 18/12/2023. Rest of the Trustees have not been arrayed. The Trust has also not been arrayed. Considering the non-joinder of the parties, this Petition need not be entertained.

4. Notwithstanding the above, the issue raised is, as regards holding of the 'Harinam Kirtan Saptah' and the 'Champashashthi Mahotsav'. The learned Deputy Charity Commissioner has concluded on the basis of the record that, there are only two annual festivals held by the Trust. One is the 'Champashashthi', which is scheduled on 18/12/2023 and the 'Khandoba Yatra'. The 'Harinam Kirtan Saptah' was introduced by Petitioner No.1 when he was the Chairman of the Trust. Presently, Respondent No.1 is the Chairman and Respondent No.2 is the Secretary, which is undisputed.

5. One more factor needs to be considered. The Trust convened a meeting on 19/11/2023 for taking decision as regards the 'Champashashthi Mahotsav' and the 'Khandoba Yatra'. By majority, it has been resolved to hold the 'Mahotsav' on 18/12/2023 and the 'Harinam Kirtan Saptah' commencing on 17/01/2024. The learned Advocate representing Respondent No.2 submits on instructions from the said Respondent, who is present in the Court Hall, that he has no objection if the Petition is allowed.

6. Considering the discussion and the conclusions drawn in the foregoing paragraphs, we do not find that the impugned order could be termed as perverse or erroneous in the light of the law laid down by the Hon'ble Supreme Court in **Sayed Yakooob Vs. K. S. Radhakrishnan, AIR 1964 SC 477** and **Surya Dev Rai Vs. Ram Chander Rai, AIR 2003 SC 3044 : 2003 (6) SCC 682**.

7. **This Writ Petition is, therefore, dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)