

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

WRIT PETITION NO. 978 OF 2020

Pradipkumar Gangaram Khopde

.. Petitioner

vs.

The Assistant Charity Commissioner-2,
Pune Region & Ors.

.. Respondents

...

Mr. Ojas Deolankar, for the Petitioner.

Mr. P. P. Pujari, AGP, for Respondent Nos. 1 & 9.

Mr. Rahul S. Kadam, for Respondent Nos. 2 to 8.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 3rd OCTOBER, 2023.

P. C.:

1. By this Petition, Petitioner challenges order dated 9th December 2019 passed by the Assistant Charity Commissioner, Pune Region allowing Application filed by Respondent Nos. 2 to 7 under provisions of 73A of the Maharashtra Public Trusts Act 1950 (for short “**the Act**”) for impleadment. I have heard the learned counsels appearing for rival parties.

2. It appears that Trust has been registered by virtue of judgment and order dated 15th December 2017 passed by the Assistant Charity Commissioner, Pune Region in Enquiry

Application No. 2329 of 2016. Respondent Nos. 2 to 7 were opposed to registration of Trust and therefore filed Revision Application No. 1012 of 2019 before the Joint Charity Commissioner, Pune Region. The said Revision Application came to be rejected by order dated 15th January 2020. The aspect of registration of Trust has now attained finality. The Trustees thereafter filed Application under Section 50(A) (1) of the Act for approval of the scheme. In that Application, Respondent Nos. 2 to 7 filed Application for impleadment. Perusal of contents of the Application filed by Respondent Nos. 2 to 7 would indicate that they wanted to agitate the issue of registration of the Trust. That objection could obviously not be taken before the Assistant Registrar as the issue of registration of Trust has attained finality on account of decision of Revision Application No. 1012 of 2019 by the Joint Charity Commissioner by order dated 15th January 2020.

3. However, learned counsel for Respondent Nos. 2 to 7 has invited my attention to the draft scheme which was earlier lodged and the scheme in respect of which the approval is now sought by way of scheme Application filed by the Petitioner. He would submit that there is a drastic change suggested with regard to the manner of appointment of Trustees as well as who would function as Chairman of the Trust. It is contended that Respondent Nos. 2 to 7 want to oppose the scheme and participate in the hearing for finalisation of the scheme.

4. There is no dispute to the position that Respondent Nos. 2 to 7 are also residing in the same village. Under Section 73A any person having interest in the Public Trust can be joined to the proceedings. In the present case, there is no matter of doubt that Respondent Nos. 2 to 7 are interested in the affairs of the Trust as they had initially opposed the formation of Trust and now want to take part in the proceedings filed for approval of the scheme under Section 50A(1). Considering the statutory scheme of Section 73A as well as the interest expressed by Respondent Nos. 2 to 7 from beginning, it is difficult to state that Respondent Nos. 2 to 7 have absolutely no interest in the affairs of the Trust.

5. In that view of the matter, the Assistant Charity Commissioner cannot be faulted for allowing the Application filed by Respondent Nos. 2 to 7 for impleadment. I, therefore, do not find any merit in the Petition.

6. Writ Petition is accordingly rejected. No costs.

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SANDEEP V. MARNE, J.