

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

WRIT PETITION NO.4821 OF 2023

Bandopant Ramchandra Waghmode
and others

.....Petitioners

Versus

Administrator, Samajik Va Sanskrutik
Congress, Maharashtra and another

.... Respondents

Mr. Anant Vadgaonkar, Advocate for the Petitioners.

Mr. P.G. Sawant, AGP for the Respondent No.2-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th APRIL, 2023

P.C. :

1. The Petitioners have challenged the order dated 27.3.2023 passed by the in-charge Assistant Charity Commissioner-V, Greater Mumbai Region, Mumbai. This application was filed below Exhibit-7 in Application No.ACC/V/20/2023. The application was preferred by the Petitioners with a prayer that they may be added as interested party in the Scheme Application and opportunity be given to them to substantiate their claim in the proceedings.

2. The scheme was to be formed in respect of a school situated at village Alegaon, Taluka – Sangola, District – Solapur. It is run by the Trust for which the Respondent No.1 is appointed as an administrator at present.

3. Learned counsel for the Petitioners submitted that the Petitioners are covered under the definition of ‘person having interest’ as provided under sub-section (10) of Section 2 of the Maharashtra Public Trusts Act, 1950. He submitted that they are from the same place and are interested in the welfare of the scheme, managing the school. Learned counsel also invited my attention to the impugned order.

4. I have considered these submissions and I have perused the impugned order. Learned Assistant Charity Commissioner has observed that the intervenors were neither trustees nor they had given any sufficient ground to implead themselves as party to the proceedings.

5. A Division Bench of this Court vide order dated 30.1.2023 had directed the Joint Charity Commissioner to

pass a reasoned order on the application to be preferred by the Administrator by 31.3.2023. That date has already passed. Learned Assistant Charity Commissioner-V has not committed any error in rejecting the Petitioners' application for being impleaded as intervenors in the said proceedings. The application is already filed by the Administrator before the Assistant Charity Commissioner.

6. As rightly observed by the learned Assistant Charity Commissioner, no special grounds are made out for being impleaded as party by the Petitioners. There is no reason, at this stage, to believe that the Assistant Charity Commissioner would not be in a position to decide the application pending before him without the intervention of the present Petitioners.

7. In this view of the matter, I see no reason to interfere with the impugned order. The Petition is, therefore, dismissed.

(SARANG V. KOTWAL, J.)