

Dusane

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

WRIT PETITION NO.11555 OF 2023

Mr. Dinesh Balu Gavale & Ors. ...Petitioners

V/s.

Vitthal Rakhumai Mandir Nyas, ...Respondents
& Anr.

Mr. Abhishek R. Sawant for Petitioners.

Mr. A.P. Vanarase, AGP for State- Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATE: 20th October 2023

P.C.:

- 1.** Heard Mr. Sawant, learned Counsel appearing for the Petitioners.
- 2.** The impugned order in this petition is order dated 10th November 2022 passed by the learned Charity Commissioner, Maharashtra State, Mumbai, by which, order dated 6th December 2018 passed by learned Assistant Charity Commissioner-I, Thane Region, Thane in Suo-motu Enquiry Inquiry No. ACC-I/119/2018 initiated under Section 22(3)(A) of the Maharashtra Public Trust Act, 1950 is quashed and set aside.

3. By the said order dated 6th December 2018, the Assistant Charity Commissioner-I, Public Trust Registration Office, Thane Region, Thane de-registered the Trust namely "Vitthal Rakhumai Mandir Nyas" P.T.R. No. E-1164 (Thane). The Charity Commissioner set aside the said order as no personal notice was issued to the Trust and that the Trust was not having any knowledge about initiating of enquiry. It is further mentioned in the impugned order that non filing of Change Report or audit report does not mean that the Trust is inactive or defunct. It has been further observed that the documents filed on record shows that the audit was conducted of the Trust from 2008-2009 till 2021-2022. The pamphlets of Akhand Harinam Saptah and Grantharaj Dnyaneshwari Parayan of 2016, 2023 are on record. The extract of the proceedings also shows that the Trust is functioning and active. In view of factual position on record, no interference is warranted under Article 227 of Constitution of India.

4. At this stage, it is to be noted that the Petitioners have filed Regular Civil Suit No. 38 of 2023. It is clarified that this Court has not examined the contentions raised in the said Suit and the contentions of concerned parties in said Regular Civil Suit No. 38 of 2023 are expressly kept open.

5. The Writ Petition is disposed of in above terms, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)