



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

**909 CIVIL APPLICATION NO. 2301 OF 2024
IN
REVIEW APPLICATION (STAMP) NO.4191 OF 2024
IN
WRIT PETITION NO.13743 OF 2023
AND
910 CIVIL APPLICATION NO. 2302 OF 2024
IN
REVIEW APPLICATION (STAMP) NO.4189 OF 2024
IN
WRIT PETITION NO.13824 OF 2023**

**TRIMBAK MAHARU SONAWANE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
ADDITIONAL SECRETARY AND OTHERS**

...
Shri Mahesh S. Deshmukh, Advocate i/by Shri M.P. Tripathi,
Advocate for the Review Applicants.
Shri S.R. Yadav Lonikar and Shri S.J. Salgare, AGPs for
Respondent Nos.1 to 3/State in the respective petitions.
Shri B.R. Warma, Advocate i/by Shri G.D. Jain, Advocate for the
original Petitioners in WP.

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

DATE :- 28th June, 2024

Per Court :-

1. By consent of the parties, both the Civil Applications seeking condonation of delay of 20 days, are allowed.

2. By consent of the parties, the Review Applications be registered and are taken up for hearing, forthwith.

3. The common order (sought to be reviewed) passed by us on 19.12.2023 in Writ Petition Nos.13743/2023 and 13824/2023, reads as under:-

- “1. The learned Advocate for the Petitioners submits on instructions that, prayer clause (B) of both these Petitions has been satisfied as the proposals have been forwarded by Respondent No.4/ Management to Respondent No.3/ Project Officer, Integrated Tribal Development Project, Dhule. The learned Advocate representing the Management tenders a copy of the communication dated 06/10/2023, which is addressed to Respondent No.4. The same is marked as 'X' for identification.*
- 2. The learned Advocate for the Petitioners prays that, these Writ Petitions may be disposed off, with a direction to Respondent No.3/Project Officer, to consider the proposals of these Petitioners on their own merits within a time frame.*
- 3. In view of the above, both these Writ Petitions are disposed off. Respondent No.3 would consider the proposals of these Petitioners, strictly in accordance with the procedure applicable. He/she would scrutinize the proposals meticulously and pass a reasoned order within a period of 90 days from today.”*

4. In Writ Petition No.13149/2017 (**Shivaji Jagannath**

Thanka and others vs. Mangaldas Nandlal Bhavare and

others), this Court passed the final order on 27.04.2018.

Relevant paragraphs Nos.5 to 9, which are germane to decide the

Review Applications, are as under:-

- “5. *The charges U/Sec. 41D of the Trust Act have been framed against both the parties. The charge reports filed by both the parties are pending before the Assistant Charity Commissioner. When the charges are framed against particular party, it would not be appropriate to allow a party against whom charges are framed U/Sec. 41D of the Trust Act to operate the account.*
6. *In fact, when the Assistant Charity Commissioner has already framed charges against the respondent No. 1, it was inappropriate for the Assistant Charity Commissioner to allow the respondent No. 1 to operate the account of the trust.*
7. *The resolution is of the month of September 2013 and the charges U/Sec. 41D of the Trust Act have been framed subsequently. Considering the said aspect of the matter, it would be appropriate for the Assistant Charity Commissioner to authorize a member of the trust against whom no charges are pending along with the inspector of the office of the Assistant Charity Commissioner to operate the account of the trust.*
8. *In the light of the above, we pass following order.*
9. *The Assistant Charity Commissioner, Dhule shall direct operation of the account of the trust by inspector of the office of the Assistant Charity Commissioner, Dhule and one member/trustee of the trust against whom no charges are framed and pending. The same*

shall be done within a period of fifteen (15) days from today. The impugned order to the extent of authorizing the respondent No. 1 to operate the account of the trust is set aside. The writ petition is accordingly disposed of. No costs."

5. The contention of the Review Petitioners is that the said Respondent No.1 against whom charges have been framed by the Assistant Charity Commissioner, is Shri Mangaldas Nandlal Bhavare, who has tendered the proposal dated 06.10.2023 to the Project Officer, Integral Tribal Development Project, Dhule. According to the Review Petitioners, he has no authority to submit the proposal after this Court passed the order on 27.04.2018. It is, therefore, canvassed that this Court should not have directed the concerned authority i.e. the Project Officer to consider the proposals since an impression will be carried by the said Project Officer that this Court has recognized the authority of Shri Bhavare in filing the proposals.

6. The learned Advocate appearing on behalf of the original Petitioners in the Writ Petitions, in which, we have passed the order dated 19.12.2023, submits that this Court has not directed the Project Officer to decide the proposals in a

particular way. In fact, because the proposals were forwarded to the Project Officer, the Petitioners in Writ Petition Nos.13743/2023 and 13824/2023, prayed for the disposal of the Writ Petitions with a direction to the Project Officer to consider the proposals on its merits. If the origin or source of the proposals is a person, who has no legal authority, the Project Officer can surely pass an order taking into account the records.

7. It is further submitted that the Review Petitioners before this Court have sold several properties of the Trust without prior sanction under Section 36 of the Maharashtra Public Trusts Act. They have now been added as Respondents in the Section 41-D proceedings i.e. Enquiry Application No.7/2014 and the Competent Authority will have to consider whether, the charges are to be framed against them.

8. We do not wish to go into this aspect since the matter before us is a Review Application. We are guided by the principles laid down in ***Lily Thomas vs. Union of India*, AIR 2000 SC 1650, *S.Madhusudhan Reddy vs. V. Narayana Reddy and others*, 2022 LiveLaw (SC) 685 : 2022 SCC**

Online SC 1034 and Pancham Lal Pandey vs. Neeraj Kumar Mishra and others, 2023 SCC Online SC 143 : AIR 2023 SC 948.

9. The learned Advocate for the Review Petitioners submits that the process of law has been abused by the original Petitioners Shri Dilip Vanji Kuwar, Mrs.Charushila Prabhakar Gaikwad and others and also Mr.Bhavare, when the Writ Petition Nos.13743/2023 and 13824/2023, were entertained by this Court.

10. Since we have issued an innocuous direction, which does not impinge the rights of the present Review Petitioners, if any, we do not find that the Review Petitioners have made out any ground to indicate an error apparent on the face of the order.

11. **Both these Review Applications are, therefore, rejected.**