



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4331 OF 2024

Raosaheb Haribhau Bhosle ...Petitioner

Versus

The State of Maharashtra and Ors ...Respondents

WITH

WRIT PETITION NO. 3609 OF 2024

Machhindra Narayan Gharat ...Petitioner

Versus

The Assistant Charity Commissioner,
Beed Division, Beed and Anr ...Respondents

WITH

WRIT PETITION NO. 4354 OF 2024

Raosaheb Haribhau Bhosle & Ors ...Petitioners

Versus

The State of Maharashtra and Ors ...Respondents

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Mr. V. D. Sapkal, Senior Advocate i/by Mr. S. R. Sapkal, Advocates for Petitioner in WPs/4331/2024 & 4354/2024 & for Respondent in WP/3609/2024

Mr. N. P. Patil Jamalpurkar, Advocate for Petitioner in WP/3609/2024 & for Respondent in WPs/4331/2024 & 4354/2024

Mr. B. A. Shinde, AGP for Respondents/State

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CORAM : R.M. JOSHI, J

DATE : JULY 20, 2024

PER COURT :

1. Writ Petition No. 4331/2024 is filed taking exception to acceptance of Change Report No. 757/2022 provisionally vide order dated 21.03.2024 to the extent of clause nos. 4 and 8 of operative part. Whereas Writ Petition No. 4354/2024 is filed against order passed below Exh. 6 in provisional Change Report No. 1630/2023. So also Writ Petition No. 3609/2024 is filed for setting aside order dated 21.03.2024 passed in Change Report No. 757/2022.

2. Heard learned Counsels for rival parties at length. Perused pleadings and material placed on record including impugned orders.

3. From the submissions made across the bar, it is clear that there are disputes between two fractions in management of the Trust. Shri. Bankat Swami Shikshan Sanstha, Khadki Ghat, Taluka and District Beed is registered under the Maharashtra Public Trusts Act, 1950 and Cooperative Societies Act. Two groups of trust claim to have been elected as the managing trustees and the different proceedings being Change Report Nos. 757/2022 and 1630/2023 came to be filed. Division Bench of this Court in Writ Petition No. 2774/2024 issued

directions to accept change report provisionally in change report no. 1630/2023, in view of Section 22(2) of the Maharashtra Public Trust Act (for short '**the Act**'). Dy. Charity Commissioner, Beed by passing two orders dated 21.03.2024 accepted change reports provisionally in Enquiry Nos. 757/2022 and 1630/2023.

4. Learned Counsels for both sides made grievance that there cannot be two managing trustees even provisionally to manage the affairs of the Trust and as such, orders passed by the Deputy Charity Commissioner are not maintainable. Learned Counsel appearing for Petitioner in WP/3609/2024 has raised grievance that the Deputy Charity Commissioner, Beed was not justified in appointing Inspector for managing affairs of the Trust and it is claimed that the Trust runs education institutions and such decision is causing adverse effect on day to day functioning of the said institutions.

5. There cannot be any dispute having regard to the provisions of Section 22(2) of the Act that it is open for the Assistant Charity Commissioner or Deputy Charity Commissioner, as the case may be, to accept

provisionally the change report submitted within 15 days. However, simultaneously two change reports filed in respect of a Trust cannot be accepted finally or even provisionally. By doing so, a permission would be granted to two different sets of managing Trustees to manage affairs of the Trust. This will only lead to a chaotic situation and which is never contemplated by law. In this case two change reports are accepted provisionally but fortunately learned Assistant Charity Commissioner has appointed Inspector to administer affairs of trust as interim arrangement.

6. Considering the disputes between the parties and the facts and circumstances of the case, the said order of appointment of Administrator does not require interference and it deserves to be continued till final decision on change reports bearing nos. 757/2022 and 1630/2023.

7. Appointment of Administrator can never be a permanent solution in the interest of functioning of any trust. Hence, though appoint of Administrator is accepted by way of interim arrangement, this Court finds it appropriate to call upon the Assistant Charity

Commissioner to decide these change reports expeditiously. Hence, it is directed to be decided so within six months.

8. Petitions stand disposed of in above terms.

9. Pending civil application(s) is also disposed of.

(R. M. JOSHI, J.)

Malani