



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10571 OF 2024

Pandurang Baburao Khot and Others. ...Petitioners.

Versus

Ld. Joint Charity Commissioner
and Others. ...Respondents.

*Mr. Umesh H. Pawar and Mr. Sagar R. Sonawane for the Petitioner.
Ms. Gauri Jadhav and Mr. J. P. Patil, AGP for the Respondent-State.*

Coram : Sharmila U. Deshmukh, J.

Date : December 20, 2024.

P. C. :

1. Heard.
2. By this Petition, the challenge is to the order dated 15th February 2024 passed by the Assistant Charity Commissioner rejecting the Revision Application filed by the Petitioner against an order of 28th August 2025 accepting the Change Report No.998 of 2012 on the ground that the Revision has been preferred after a period of 6 years and that too without any explanation for the delay. The Assistant Charity Commissioner has further held that the Change Report is legal and valid as the Revision Applicant was present during the meetings of Managing Committee as well as the General Body Meeting and the notices of said meetings were served upon the Revision Applicant and therefore there is no case even on merits.

3. Learned Counsel appearing for the Petitioner would submit that in the Revision Application a specific case was set out that the Revision Applicant had no knowledge about the Change Report. He would submit that there is no limitation prescribed for revision as is prescribed for the Appeal under Section 70 of the Maharashtra Public Trusts Act. He would further submit that perusal of the order passed in the Change Report proceedings would indicate that without any notice to the trustees, the Change Report has been accepted. In support, he relies upon the decision of the co-ordinate bench of this Court in the case of ***Vithalrao v. Motiram***¹.

4. I have considered the submissions and perused the records.

5. The Petitioner is a trustee and has preferred Revision against the Change Report of the years 2012. Perusal of the Revision Application would indicate that the only reason given for challenging the Change Report after a delay of 6 years is that he did not have any information about the same. The Change Report was in respect of induction of new trustees. The Petitioner being a trustee himself, it cannot be accepted that he had no knowledge about the appointment of new trustees.

6. Further perusal of the Revision Application would indicate that apart from making a bald averment that he did not have any information about the Change Report, there is nothing further pleaded

1 2010(1) Mh.L.J. 977.

as to when he acquired knowledge as regards the order passed on the Change Report. It was necessary to aver and plead the necessary ingredients when the Change Report is sought to be challenged after about 6 years. The Apex Court in ***Santoshkumar Shivgonda Patil v. Balasaheb Tukaram Shevade***², while dealing with revisional powers under Section 257 of Maharashtra Land Revenue Code, 1966 had held that even if the statute does not prescribe the time limit for exercise of revisional power, it should be exercised within a reasonable time and ordinarily reasonable period would be three years. The decision of the Apex Court binds this Court and as the Revision Application has been preferred after the period of 3 years and that too without any explanation and without any exceptional case being pleaded, there is no infirmity in the order of Assistant Charity Commissioner.

7. That apart, the Assistant Charity Commissioner has also considered that Petitioner was member of the Managing Committee and was present during the meetings of Managing Committee and that there was proper service of notice upon the Petitioner. In the case of ***Marutirao Vishwanath Bagal v. Dinkar Kashinath More***³ the co-ordinate bench of this Court has held that it is not necessary that in each and every case that notice of the Change Report is to be issued by

² (2009) 9 SCC 352.

³ AIR 2005 BOMBAY 52.

to all the trustees. It is only if there is a reason to believe that the Change Reports are not genuine and valid that the notices are required to be issued. Considering the law laid down by the Apex Court, even the said submission of the Petitioner cannot be accepted.

8. As regards the decision in the case of ***Vithalrao v. Motiram*** (supra), the co-ordinate Bench of this Court has considered the legislative intent behind incorporating Section 70A into the Maharashtra Public Trusts Act and has held that this is a remedial provision for preventing the perpetuation of injustice. The Court has further held that inquiry under Section 22 of the Maharashtra Public Trusts Act is required to be judicial inquiry and cannot be done in a mechanical manner. There is no quarrel with the said proposition. However, only on the aspect of non issuance of notice, there cannot be said to be perpetuation of injustice.

9. In the light of above discussion, there is no merit in the Petition. Petition is dismissed.

[Sharmila U. Deshmukh, J.]