

SA Pathan

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

WRIT PETITION NO.9226 OF 2022

**WITH
WRIT PETITION NO.9137 OF 2022**

Navayug Shikshan Prasarak Mandal
Tirpan Through Its Secretary & Anr ... Petitioners
V/s.
Rangrao Bapu Patil & Ors ... Respondents

Mr. Surel S. Shah i/by Mr. Swaroop M. Karode, for
Petitioner.

Mr. Abhijit M. Adagule, for Respondent Nos.1 & 2.

Mrs. M. S. Srivastava, AGP for State/Respondent No.3

CORAM : AMIT BORKAR, J.

DATED : JANUARY 29, 2024

P.C.:

1. Rule.

2. Rule is made returnable forthwith.

3. The petitioners have filed the present writ petitions challenging order passed by Revisional Authority setting aside the order dated 19 August 2017 permitting modification of scheme and order of 16 January 2018 setting aside consequent change report in favour of elected Trustees.

4. According to the petitioners, the respondents at whose instance the Revisional Authority entertained a revision alleged that their signatures on the proceeding were forged, Revisional Authority has not adjudicated on such grievance of revision applicants. In the absence of such finding, the Revisional Authority could not have entertained the matter at their instance.

5. On perusal of the impugned order, it appears that the Revisional Authority has referred to the submission made by the revision applicants that there is allegation that their signatures on the proceeding were forged and they were not present in the meeting but failed to consider said submission in the impugned order.

6. Perusal of the order indicates that the Revisional Authority has not exercised its *suo moto* powers. According to the petitioner, if, the revision is entertained at the instance of revision applicants, and if, the revision applicants were not present in the meeting, the issue which the Revisional Authority needs to adjudicate before going into merits, is regarding locus of the revision applicants. Such locus is depends on adjudication of revision applicants grievance that their signatures on the proceeding were forged. Therefore, it is necessary that the issue of forgery raised by the revision applicants needs to be decided before the Revision Authority decides on merits other questions. Therefore, the impugned order passed by the Revisional Authority cannot be sustained. Hence, following order:

i) The orders dated 26 May 2022 passed in Revision

Application Nos.17 of 2019 and 18 of 2019 are set aside. Both the Revision Applications are remitted to the Joint Charity Commissioner, Kolhapur for deciding afresh on merits.

ii) The Revisional Authority shall first adjudicate on the grievance of the respondents regarding alleged forgery and, thereafter, shall decide other issues on merits.

iii) The Joint Charity Commissioner shall decide the Revision Applications within four months from the date appearance of the parties.

iv) Parties shall appear before the Joint Charity Commissioner on **5 February 2024 at 11:00 a.m.**

7. Rule is made absolute in above terms.

8. The writ petitions stand disposed of. No costs.

(AMIT BORKAR, J.)