

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 450 OF 2024**

Bhogawati Shikshan Prasarak Mandal ... Petitioner  
Shahunagar through Trustee S. S. Patil

versus

Jaysing Gopalrao Jadhav Hujare and ors. .... Respondents

**with**

**WRIT PETITION NO. 12793 OF 2024**

Rajendra Vishwanath Adake ... Petitioner

versus

Bhogawati Shikshan Prasarak Mandal .... Respondents  
Shahunagar through Trustee S. S. Patil and ors.

Mr. S.S. Patwardhan with Mr. Chetan Patil i/b. Mr. Mandar G.Bagkar,  
Advocate for the Petitioner in WP/450/2024 and for Respondent No.2 in  
WP/12793/2024.

Mr. Manoj Sable, Advocate for Respondent Nos.6 and 7 in WP/450/2024.

Mr. Budhabhushan Rajratna, Advocate for Respondent No.9 in  
WP/450/2024.

Mr. Hiten Venegavkar along with Mr. Kamar Ali Shaikh, Advocate for  
Respondent No.29 in WP/450/2024,

Mr. Hiten Venegavkar along with Mr. Kamar Ali Shaikh, Advocates for  
Petitioner in WP/12793/2024.

Mr. R. S. Pawar, AGP for Respondent Nos.31 and 32/State in  
WP/450/2024.

Mr. J. P. Patil, AGP for Respondent Nos.31 and 32/State in  
WP/12793/2024.

**CORAM : R. M. JOSHI, J.**

**DATE : 11<sup>th</sup> SEPTEMBER, 2024.**

**SHUBHADA  
SHANKAR  
KADAM**

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SHUBHADA  
SHANKAR KADAM  
Date: 2024.09.12  
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**P.C. :**

1. These petitions take exception to the orders dated 31<sup>st</sup> August

2023 passed by the Joint Charity Commissioner, Kolhapur, whereby the order passed by the Deputy Charity Commissioner in Change Report No.439 of 2022 was confirmed.

2. Learned counsel for both sides were heard substantially.

3. Mr. Venegavkar, learned counsel for contesting respondent in Writ Petition No.450 of 2024, on instructions, makes statement that in order to avoid further consumption of time, this respondent is ready to give consent for setting-aside the order passed by the Deputy Charity Commissioner below Exhibit-28 as well as Exhibit-1 in Change Report No.439 of 2022 provided that the said proceedings are directed to be concluded within a period of one month.

4. Learned counsel for the petitioner in Writ Petition No.450 of 2024 records not objection there for.

5. In view of the above, without going into the contentions sought to be raised by the rival parties, the order dated 19<sup>th</sup> April 2023 passed below Exhibit-28 and Exhibit-1 in Change Report No.439 of 2022 as well as order passed by the Joint Charity Commissioner dated 31<sup>st</sup> August 2023 are hereby set-aside.

6. The proceedings of Change Report No.439 of 2022 are relegated back to the Deputy Charity Commissioner for decision afresh on the point of Exhibit-28 as well Exhibit-1 on merit.

7. The parties are directed to appear before the authority on 18<sup>th</sup> September 2024. The Deputy Charity Commissioner is directed to decide the said proceedings finally in accordance with law within a period of one month therefrom.

8. At this stage, Mr. Venegavkar, learned counsel for the contesting respondent in Writ Petition No.450 of 2024, requests for continuation of the arrangement of de facto trustees to manage the affairs of the trust.

9. Without going into the correctness of their appointment, this Court finds that since undisputedly they are functioning for a period of a year now, the said arrangement to continue for a period of two weeks. It is open for the contesting respondent in Writ Petition No.450 of 2024 to move appropriate application before the Deputy Charity Commissioner to seek further order in this regard.

10. The petitions stands disposed of in above terms.

**(R. M. JOSHI, J.)**