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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.3510 OF 2024

Shital D. Kauthekar & Anr.

...Petitioners

V/s.

Ravindra D. Gaikwad & Ors.

...Respondents

Mr.Santosh Jadhavar (through V.C.) with Mr.Chaitanya Khade
for the Petitioners.

Ms.Vrushali R. Raje, AGP for the State - Respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 12TH JUNE, 2024.

P.C. :-

1. Heard.

2. The order passed by the Assistant Charity
Commissioner dated 8.9.2008 (page 48) accepting the change
report filed under section 22 of Maharashtra Public Trust Act
(MPT Act) accepting the induction of petitioner no.2 in the
Managing Committee in terms of resolution dated 19.3.2008 in
pursuance of the notice of meeting dated 14.3.2008 (page 19)
has been set aside by the Joint Charity Commissioner vide

judgment dated 4.6.2012 in revision under section 70A of the MPT Act (page 49) and challenge to which before the learned District Judge - 4 Solapur in Misc. Application No.178 of 2012 has been turned down by the judgment dated 29.1.2019.

3. It is contended by Mr. Jadhavar, learned counsel for the petitioners that the meeting dated 19.3.2008, was properly held in terms of the constitution of the trust and therefore the impugned judgments cannot be sustained.

4. It is however pertinent to note that in an earlier meeting held on 20.1.2008 in pursuance to the notice dated 13.1.2008, petitioner no.2 was inducted as a member of the trust. This notice and the resolution passed thereunder which were accepted by the Assistant Charity Commissioner has been set aside by the Joint Charity Commissioner as well as by the learned District Judge a challenge before them and consequent challenge raised before this Court in Writ Petition No.3395 of 2024 has been turned down on 11.6.2024 as a result of which the very validity of the meeting dated 20.1.2008 has been turned down which directly affects the inclusion of petitioner no.2 as a

member of the trust. This clearly has consequential effect of the meeting dated 19.3.2008 in pursuance to the notice 14.3.2008 being rendered illegal and all resolutions passed therein invalid. There is yet another reason, which is that any vacancy created in the managing committee in terms of clause 16 of the constitution will have to be necessarily filled in by exercising the mode as indicated in clause 11 in absence of any other provision in that regard. The notice calling the meeting which is required to be issued by the Secretary by clause 10 of the Constitution has not been so done and the meeting has been requisitioned by the President which also rendered the meeting infirm. The notice is also not for a period of 15 days as is the wont of clause 11(3) of the constitution. All these things have been considered by the Joint Charity Commissioner and the learned District Judge in the impugned judgments and I therefore do not see any reason spelt out for interference, though *Mr.Ranshi L. Shah vs. Premji Devji Shah & others, 2007 (4) Mh.LJ 293,* has been relied upon, that does not assist the case of the petitioners as the initial meeting dated 20.1.2008, in which the petitioner no.2 was

inducted as a member, itself has been declared as invalid. The petition is dismissed with costs.

(AVINASH G. GHAROTE, J.)