

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8530 OF 2024

Sambhaji Sahebrao Pawar & Ors. Petitioners

V/s.

The State of Maharashtra & Anr. Respondents

Mr.Sanjay P. Shinde, for the Petitioners.

Ms.Gauri Jadhav 'A' Panel Counsel a/w Mr.J.P. Patil, AGP, for
Respondent-State.

Mr.Nikhil M. Pujari, for the Intervenor.

CORAM : R.M. JOSHI, J.

DATE : 23rd AUGUST 2024

P.C:-

. Heard learned counsel for the Petitioner.

2. It is his submission that, in contravention that the provisions of Section 38 and 39 of the Maharashtra Public Trust Act i.e. without submitting the reports to the Trustees, hence, Deputy Charity Commissioner has passed impugned order. According to him no one was heard before passing of the said order. He drew attention of the Court to the observations made by the Deputy Charity Commissioner to the effect that the

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members at Serial No.28 to 56 i.e. Petitioner herein are not valid members of the Trust. According to him no such finding could not have been recorded without being hearing the Petitioner and Trustees.

3. This Court find *prima facie* substance in the contention of the learned counsel for the Petitioner that there is non-compliance of the Section 38 and 39 of the Act before passing of the said order. Report under Section 37 is required to be served to the trustees or any other person concerned, to submit an explanation thereon. Apparently the order is passed without following these provisions of the law. Hence, arguable case is made out by the Petitioner. There would be stay to the impugned order till further order.

4. Stand over to 24th September 2024.

(R.M. JOSHI, J.)