



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13345 OF 2024

Prakash Chandrakant Parab and Others. ...Petitioners.

Versus

Shri Lingeshwar Devasthan Bharani
Tal Kudal and Others. ...Respondents.

Dr. Uday Warunjikar i/b Sonali Chavan, Siddhesh Pilankar and Sumit Kale for the Petitioner.

Mr. Prasad S. Dani, Senior Advocate along with Ms. Vidita Bhalekar i/b Sameer Bhalekar for the Respondent No. 2.

Mr. P. V. Nelson Rajan, AGP for the Respondent-State.

Mr. Samir Suryawanshi and Bhakti P. Wast i/b Sanjiv Sawant for the Respondent Nos.12 and 13.

Coram : Sharmila U. Deshmukh, J.

Date : December 10, 2024.

P. C. :

1. Heard.
2. By this petition, challenge is to the order dated 18th April 2024 passed by the Joint Charity Commissioner in Revision Application No. 48 of 2022 rejecting the revision application.
3. Dr. Warunjikar, learned counsel appearing for the Petitioner would submit that the change which was reported was in respect of the change in trustees and the Collector was removed from the trusteeship without any notice to the Collector. He would further submit that the revisional authority has held that there are no rules

and regulations for management of the trust and in spite thereof rejected the revision application. He would further submit that apart from the ground of removal of Collector without notice, there is no provision in the scheme as regards the manner in which the election to be held.

4. *Per contra* Mr. Dani would point out the Change Report at page 65 which shows the Collector to be the *ex officio* trustee and therefore there is no substance in the contention that the Collector has been removed from the trusteeship without notice to the Collector. He would further submit that the scheme at page 55 provides for the constitution of Managing Committee as well as the manner in which the elections are to be held and accordingly elections have been held and the Change report has been filed. He would further submit that the term of Managing Committee has expired and therefore the exercise has been rendered academic.

5. Upon perusal of the Change Report at page 65, it appears that the Collector, who is the *ex officio* member of the trust, is one of the trustees for the term 2018 to 2022. The scheme on record also provides for constitution of the trust as well as holding of the elections. The Assistant Charity Commissioner has considered the scheme as well as clauses in the scheme and has thereafter allowed the change report. The reliance placed by Dr. Warunjikar on the non

issuance of notice, *prima facie* is unacceptable for the reason that it is not that in each and every case of change, that notice is required to be issued. **[See Maruti Vishwanath Bagal v. Dinkar Kashinath More (2004) Mh.L.J. 982]**

6. As regards the submission of Mr. Warunjikar that the learned Assistant Charity Commissioner has come to a conclusion that there are no rules and regulations which finds mention in the order of revisional authority, *prima facie* reading of entire paragraph No.8 would indicate that the Assistant Charity Commissioner has come to a conclusion that there are no rules and has therefore approved the Enquiry Application No.2 of 2015 and framed the scheme for the better management of Devasthan trust.

7. *Prima facie*, the findings of the Revisional Authority appear to be in conformity with the order passed by the Assistant Charity Commissioner who has decided the same after conducting the enquiry as contemplated under Section 22 of Maharashtra Public Trusts Act.

8. *Prima facie*, it appears that several objections were raised which were not considered. Hence, **Rule.**

9. Advocates appearing on behalf of the Respondents waive notice.

10. It is made clear that there is no interim relief. In any event, the term of the Managing Committee is already over.

[Sharmila U. Deshmukh, J.]