



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13385 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 No. 5.

Coram : Sharmila U. Deshmukh, J.

Date : December 10, 2024.

P. C. :

1. Heard.
2. The challenge in the present petition is to the framing of scheme under Section 50A of the Maharashtra Public Trusts Act.
3. Dr. Warunjikar, learned counsel appearing for the Petitioner would submit that the management of Respondent-Trust was vested in the Deosthan Management Committee and therefore the Assistant Charity Commissioner had no jurisdiction to frame the scheme in respect of the trust. He would further submit that the notice was issued in the new name of the trust, namely, Lingeshwar Deosthan

Nyas Bharani whereas the old name as recorded in the PTR was Bharani Mandir Petha Kudal. He submits that as the notice was issued in the name of new trust, the same is not in compliance with Rule 7A of the Maharashtra Public Trusts Rules. He would further submit that the PTR registration shows the number as A-171 which corresponds with the trust which is mentioned in the order dated 25th January 1990 passed by the Assistant Charity Commissioner holding that the Assistant Charity Commissioner does not have the jurisdiction in view of the Deosthan Management Committee.

4. Mr. Dani, learned Senior Advocate appearing for the Respondent No.2 would contend that before the Assistant Charity Commissioner in the proceedings of the year 1987 for framing of the scheme, there were two PTRs record, one is the trust bearing Registration No.A-230 and the other is the trust bearing Registration No.A-171 and it is only the trust bearing Registration No.A-230 which was vested in the Deosthan Management Committee whereas the Respondent-Trust has the PTR number as A-171. He would submit that the same is reflected in the order of Assistant Charity Commissioner dated 9th July 2018 where a reference has been made to the information sought under the RTI Act from the Deosthan Management committee that the trust registered at PTR A-171 is not vested in the Doesthan Management Committee.

5. As the debate rests on the fact whether the management of the Respondent Trust is vested in the Deosthan Management Committee, let an affidavit-in-reply be filed by the Respondent-Trust placing on record the PTR registration to demonstrate that the Respondent-Trust is registered at PTR No. A-171 and also the documents to show that the management of the said trust is not vested in the Deosthan Management Committee as recorded in the order of 9th July 2018. Affidavit in reply to be filed within a period of two weeks from today. Rejoinder, if any, to be filed within a period of one week thereafter. List on **6th January 2025**.

[Sharmila U. Deshmukh, J.]