



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 WRIT PETITION NO. 3988 OF 2022

DR BABASAHEB AMBEDKAR SMARAK THROUGH ITS PRESIDENT /
SECRETARY AND OTHERS

VERSUS

GANGARAM SANTRAM ACHARYA AND OTHERS

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Mr. Rajendra L. Kute – Advocate for Petitioners

Mr. G.G. Suryawanshi – Advocate for Respondent Nos.1 to 4

Mr. R.B. Dhaware – AGP for Respondent Nos.5 and 6, State

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 03.12.2025

PER COURT :

1. Heard learned Counsel – Mr. Rajendra Kute for the petitioners, learned Counsel – Mr. G.G. Suryawanshi for respondent Nos.1 to 4 and learned A.G.P. for respondent Nos.5 and 6, State authorities.

2. The petitioners challenge the order dated 10.02.2021 passed in Misc. application No.1001/2019 and order dated 29.12.2021 passed in Appeal No.3/2021 passed by the learned Joint Charity Commissioner, Latur.

3. Learned Counsel for the petitioners vehemently submits that, while considering the application for condonation of delay, the learned Joint Charity Commissioner has recorded findings which are perverse. He

submits that the delay ought not to have been condoned by the authority. As regards the merits of the matter, he submits that the learned Joint Charity Commissioner remanded the matter on the ground that the procedure for framing the scheme was not followed. He further submits that the persons who raised objections had themselves framed the scheme and thereafter objected to it. It is further submitted that under Section 50-A of the Bombay Public Trust Act, 1950, there was no necessity to publish a public notice for framing the scheme and such publication is required only in cases where the learned Joint Charity Commissioner intends to amalgamate two or more schemes or trusts.

4. There was a delay of 105 days in filing appeal. I have gone through the impugned orders passed by the learned Joint Charity Commissioner as it relates to the condonation of delay of 105 days and the same was properly explained, I am not inclined to entertain the present petition.

5. As regards the merits of the petition, once the learned Deputy Charity Commissioner intends to frame a scheme, it is expected of him to publish a public notice and invite objections from the concerned persons. On this ground, the learned Joint Charity Commissioner set aside the order and remanded the matter for fresh consideration. Even otherwise, the procedure as required was not followed. Therefore the Joint Charity Commissioner has rightly remanded the matter for fresh consideration.

6. In view thereof, I do not find any reason to interfere with the order dated 10.02.2021 passed in Misc. application No.1001/2019 and order dated 29.12.2021 passed in Appeal No.3/2021 passed by the learned Joint Charity Commissioner, Latur. Therefore, the Writ Petition is dismissed.

7. All the points are kept open.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/