



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7076 OF 2022

Kumar Rajshekhar Guru Dr. Shivling Shivacharya U/g Gururaj Manmath
Swami Maharaj

VERSUS

Shivraj Sangram Alias Bapurao Shetkar And Others

AND WRIT PETITION NO. 7077 OF 2022

Kumar Rajshekhar Guru Dr. Shivling Shivacharya U/ Gururaj Manmath
Swami Maharaj

VERSUS

Bhimashankar Mahadev Swami And Others

Mr. V. D. Gunale, Advocate for Petitioner

Mr. K. P. Rodge, Advocate for Respondent (through VC) in WP/7076/2022

MR. M. C. Swami, Advocate for Respondent No. 1 in WP/7077/2022

Mrs. M. N. Ghanekar, AGP for Respondent/State

CORAM : R. M. JOSHI, J.

DATE : 13th March, 2025

PER COURT :-

1. This petition takes exception to the order passed by the Joint Charity Commissioner dated 20.06.2022 in Revision Nos. 61/2021 and 74/2021. Joint Charity Commissioner passed following order :-

“The Revision Petition is filed against order passed on change report. As per Sec 70-A of Maharashtra Public Trust Act, the revision is tenable against such order. Hence Rejected.”

2. This order came to be passed on an application filed by the petitioner raising objection to the maintainability of the revision filed by

the contesting respondents on the ground of their locus standi to prefer such application.

3. The Joint Charity Commissioner has passed order as if he was called upon to decide as to whether the revision would be maintainable against the order impugned before him. The Revisional Authority has completely failed to take into consideration the objection raised by the petitioner herein with regard to the locus standi of the contesting respondents to file revision.

4. Since, the said objection is not considered nor any reason is recorded for rejection of the same, it is a fit case to set aside the impugned order and relegate the matter back to the Joint Charity Commissioner, Latur for decision afresh on the said application in accordance with law.

5. Accordingly, Petition stands allowed. Impugned orders are set aside. Application of maintainability filed by the petitioner in both revision applications be decided in accordance with law after giving reasonable opportunity of hearing of the parties.

(R. M. JOSHI, J.)

bsj