



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 8562 OF 2024

SANJAY LAXMAN CHAVAN
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS

Mr. Amit S. Savale, Advocate for the petitioner
Mrs. M. N. Ghanekar, AGP for the respondent/State
Mr. Pravin D. Biradar h/f Mr. S. T. Shelke, Advocate for respondent No.2.

CORAM : R. M. JOSHI, J.
DATE : 27th FEBRUARY, 2025

PER COURT :-

1. This motion is for speaking to minutes of order dated 3rd February, 2025 as well as for seeking amendment to the petition.
2. It is the contention of the learned counsel for the petitioner that inadvertently in this petition "Assistant Charity Commissioner" is mentioned instead of "Deputy Charity Commissioner". He, therefore seeks amendment to the petition so also, the modification of order dated 3rd February, 2025.
3. Leave granted.
4. In paragraph No. 5 of the said order the above modification be corrected and amended order be uploaded accordingly.

(R. M. JOSHI, J.)

ssp

This order has been corrected pursuant to speaking to minutes order dated 27/02/2025

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

61 WRIT PETITION NO. 8562 OF 2024

**SANJAY LAXMAN CHAVAN
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS**

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Mr. Amit S. Savale, Advocate for the Petitioner
Mrs. M. N. Ghanekar, AGP for the respondent/State
Mr. S. T. Shelke, Advocate for respondent no.2.

CORAM : R. M. JOSHI, J.

DATE : 3rd FEBRUARY, 2025

PER COURT :-

1. This petition takes exception to the order dated 19/06/2024 passed in Change Report No. 181/2023 whereby the objection raised by the petitioner herein under Section 73A of the Maharashtra Public Trust Act came to be rejected solely on the ground that the said objection is raised after five months of the issuance of notice.

2. Learned counsel for the petitioner submits that the petitioner is the trustee of the trust and as such being the person interested as contemplated by Section 2(10) of the Maharashtra Public Trust Act, he needs to be heard in the change report proceeding. It is his further submission that the application cannot be rejected solely on the ground that the same is filed after five months of the publication of notice in the newspaper.

3. Learned counsel for the respondent opposed the petition. It is his contention that the petitioner is no more a trustee of the trust as he is removed long time back.

4. Perusal of the impugned order shows that the application for impleadment is rejected solely on the ground that objection is raised after five months. There is no specific period of limitation prescribed in the statute to seek impleadment in an enquiry by invoking provision of Section 73A of the Act. Moreover, the authority concerned does not record that the application is not filed within the reasonable time and therefore rejected.

5. Hence, the impugned order cannot sustain. It is accordingly set aside. Application Exhibit 15 is relegated back to the **Deputy** Charity Commissioner, Ahmednagar for decision afresh in accordance with law. It is expected that the said authority shall hear all concerned parties before passing any order.

6. Petition is allowed in above terms.

(R. M. JOSHI, J.)

ssp