



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO. 9240 OF 2025

Channabasav Guru Mahaling Shivacharya

VERSUS

Prabhakar Digambarappa Tondare And Others

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Advocate for Petitioner : Mr. P M Nagargoje

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 29, 2025

PER COURT :-

1. Present writ petition takes exception to the order dated 15.7.2025 passed below Exhibit-52 and 20.5.2025 passed below Exhibit-38 in inquiry application no.4 of 2024 pending before the Joint Charity Commissioner, Latur.

2. Perused the applications and reasons recorded by the Joint Charity Commissioner in the order.

3. Apparently, petitioners had filed applications at the stage when Inquiry Application no.4 of 2024 was posted for final hearing after recording of evidence. It is contention of petitioners that writ petition no.7912 of 2024 is pending before this Court, wherein, *status-quo* order has been passed and in light of such an order, reliefs claimed in the inquiry application

no.4 of 2024 cannot be granted. Petitioners, therefore, prayed that, proceeding in Inquiry Application no.4 of 2024 be stayed till final decision in writ petition no.7912 of 2024.

4. Perusal of prayers in writ petition no.7912 of 2024 pending before this Court would show that some clauses in the scheme of the Trust are challenged in writ petition, whereas inquiry application no.4 of 2024 pertains to the prayers seeking perpetual injunction against petitioners in respect of day-to-day affairs of the Trust. Apparently, subject matter of the writ petition and inquiry no.4 of 2024 is different. However, it cannot be necessary on the part of Joint Charity Commissioner to consider fact of interim order passed in writ petition no.7912 of 2024. Even, from operative part of the impugned order below Exhibit-52, it can be gathered that Joint Charity Commissioner has kept open the aforesaid issue. Therefore, apprehension of petitioners that Joint Charity Commissioner would pass further orders in Inquiry Application no.4 of 2024 ignoring the interim order passed by this court in pending writ petition no.7912 of 2024 appears to be misconceived.

5. Second application was filed by petitioners below Exhibit-38 seeking framing of additional issue. The aforesaid issue can also be considered by the Court while finally deciding the proceeding under section 41-E of the Maharashtra Public Trusts Act.

6. In that view of the matter, there is no merit in the writ petition. Writ Petition stands **rejected**.

(S. G. CHAPALGAONKAR)
Judge

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