



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

WRIT PETITION NO. 10091 OF 2024

BABURAO DIPAJI PAWAR

VERSUS

JANARDHAN KISHANRAO PAWAR AND OTHERS

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Advocate for Petitioner : Mr. Gunale Vishwamber Digamberrao

AGP for Respondent Nos. 11 and 12 : Mr. Rajdeep D. Raut

Advocate for Respondent No.1 : Mr. Pramod D. Pawar

Advocate for Respondent No.10 : Mr. Deshmukh Rahul Rajiv

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CORAM : ROHIT W. JOSHI, J.

DATE : 12th AUGUST 2025

PER COURT :

1. The Petitioner takes exception to the order dated 01.07.2024 passed by the learned Joint Charity Commissioner, Chatrapati Sambhajinagar Region in Revision Application No.28/2024. By the said order, the learned Joint Charity Commissioner has quashed and set aside order dated 07.02.2024 passed by the learned Assistant Charity Commissioner-2, Chatrapati Sambhajinagar in application at Exhibit-3 in Inquiry No.87/2024. The said application at Exhibit-3 was filed under proviso to Section 22(2) of the Maharashtra Public Trusts Act, 1950 for provisional acceptance of change report.

2. The learned Assistant Charity Commissioner has referred to various disputes pending in relation to the subject trust and has observed that in the change report pertaining to the elections for

term of the body for the years 2020-2023, similar application under proviso to Section 22(2) was rejected by the said authority. It is then observed that although the revision preferred by the elected body was allowed, this Court had granted stay to the order, allowing the revision application. It is on these grounds that the learned Assistant Charity Commissioner deemed it appropriate not to allow the application. As stated above the Respondents filed Revision Application under Section 70A of the Act, challenging the said order. The learned Joint Charity Commissioner has observed that no person has raised objection to the change report within the stipulated period and that the documents filed on record indicated that the election was held unanimously. The learned Joint Charity Commissioner has observed that in the earlier elections as well provisional change report was accepted by allowing the revision application. In view of the above, the learned Joint Charity Commissioner has allowed the revision, directing provisional acceptance of the change report.

3. Mr. Gunale learned Counsel for the Petitioner assails the revisional order on the ground that the Respondent No.1 and 10 are indulging in unauthorized sale of properties of the trust. He states that the family members of both have been inducted as members illegally in order to usurp the trust and its properties. He states that although the interim order granted by this Court to the revisional order accepting the provisional change with respect to elections for the year 2020 to 2023 is vacated on account of absence of the advocate representing the Petitioner in the said petition,

unconditional order of acceptance of change report should not have been passed by the learned Joint Charity Commissioner. He contends that certain restrictions must be imposed restraining the so called body from taking decisions for alienating the property of the trust and from taking any policy decision including enrollment of members.

4. Per contra, Mr. Pramod Pawar, learned Advocate for the Respondent No.1 contends that the Petitioner is not even a member of the trust. He contends that he is unnecessarily interfering with the affairs of the trust. The learned Advocate states that since in similar set of facts for the earlier term of three years with respect to the same trust, the learned Joint Charity Commissioner has passed order provisionally accepting the change report by allowing the revision application, with respect to elections held for the subsequent tenure as well the same order was required to be passed and accordingly the learned Joint Charity Commissioner has passed the order provisionally accepting the change. He, therefore, contends that the petition is liable to be rejected on two counts, firstly that the Petitioner does not have locus to challenge the order impugned and secondly that the Respondents have made out a case for grant of relief as is granted by the learned Joint Charity Commissioner.

5. It appears that earlier change report pertaining to elections for the tenure from 2020 to 2023 and change report pertaining to tenure from 2023 to 2026 are pending. The order impugned is dated

01.07.2024. It is now operating for more than one year. Likewise similar order pertaining to earlier elections was also holding the filed till elections for subsequent tenure were held. In such circumstances rather than going into merits of the matter, it would be appropriate that the learned Assistant Charity Commissioner is directed to decide both the change reports within a time bound manner. The writ petition is disposed of by directing the learned Assistant Charity Commissioner to decide both the change reports before 31.12.2025.

6. Having regard to the fact that the trust has vast immovable properties, it would be appropriate that till the adjudication of the change reports on merits, both parties are directed to maintain status-quo with respect to the properties of the trust and specifically not to create any third party interest during pendency of the change reports and further that they shall not enroll any new member.

ROHIT W. JOSHI
JUDGE

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