



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 11491 OF 2025

APPASAHEB NAYABRAO DESHMUKH AND OTHERS
VERSUS
SURYAKANT VISHVANATH GAJMAL AND OTHERS

...
Advocate for the Petitioner : Mr. Amol R Joshi
Advocate for Respondent 3 : Mr. A.D. Khot
...

CORAM : ARUN R. PEDNEKER, J.
Dated : September 22, 2025

PER COURT :-

1. By way of present writ petition, the petitioners challenge the impugned order dated 3.3.2023 passed by the learned Assistant Charity Commissioner (ACC), Jalna in Inquiry No. 192/2023, by which following directions were given :-

ORDER

01) Application bearing Inq. No. 192/2023 is hereby partly allowed to the extent that **all** donation boxes of the temple shall be opened in presence of the Inspector of Public Trust Registration office, Jalna.

02) It is directed that donation boxes must be kept in surveillance of CCTV cameras. Respondents are directed to make forthwith arrangement.

03) Shri. A.N. Dolas, Inspector of this office is directed to arrange convenient date with prior intimation to the respondents for **every two months** of the work of opening donation boxes and said date must be after two months of the date of prior work of opening donation boxes and to file detail report.

04) Counting of amount in donation boxes must be in surveillance of CCTV cameras.

05) Respondents are directed to open separate bank account in nationalized bank in the name of temple and amount cum all income of temple received from donation boxes, receipts etc. shall be deposited in that account. They

shall further furnish their monthly report in respect of account to the Office Inspector.

06) Inform concerned parties and Office Inspector.

07) Advocate of both sides to take note of the order.

08) Respondents are directed to get certified receipt books from the Office Inspector, Public Trust Registration Office, Jalna and used only duly certified receipt books for donation purpose."

2. The learned counsel for the petitioners submits that against the above order passed by the ACC, the petitioners had preferred revision before revisional authority i.e. the Joint Charity Commissioner (Jt.CC). However, later on it was noticed that Jt.CC does not have jurisdiction and accordingly Jt.CC has disposed of the revision. As such, belatedly, the present writ petition is filed.

3. The learned counsel for the petitioners points out the order dated 24.8.2022 in inquiry No. 3023/2022 and submits that in pending inquiry directions were issued against the respondents qua the trust Om Suryakanteshwar Prathishthan, Solghavan, Tal. And Dist. Jalna, Prathishthan, which is an independent trust, calling upon the trustees of above trust to maintain the separate ledger book, notice/resolution book, receipt book and cashbook etc. The learned counsel submits that the ACC was forced to direct such order against the respondents' trust as there were certain deficiencies noticed in conducting the trust.

4. The learned counsel for the petitioners submits that considering the order dated 24.8.2022, the ACC ought not to have given the authority of the present trust i.e. Om Suryakanteshwar Mahadev Mandir Trust to the respondents in Inquiry No. 192/2023 as their reputation to run the trust is doubtful. The learned counsel submits that overlapping of the finances of

the Om Suryakanteshwar Mahadev Mandir Trust of the petitioner viz-a-viz Om Suryakanteshwar Pratishtan, Solgavhan, run by the respondents' trust. The learned counsel submits that vide impugned order dated 3.3.2023 the directions contained in clause (5) of the order are not complied with as such record is not available with the concerned authority.

4. Per contra, the learned counsel appearing for respondent No. 3/caveator submits that entire directions in terms of order dated 3.3.2025 are complied with and the respondents are running the trust in terms of the interim order passed by the ACC.

5. Considering that the matter is pending from 3.3.2023, it would be more appropriate to direct the ACC to dispose of the Inquiry No. 192/2023 within a period of four weeks. Considering the submission of the learned counsel for the petitioners that there could be overlapping of the accounts of the two trust and that they are independent trust and that there should not be overlapping, it would be more appropriate that parties to raise such issues before the ACC and ACC would decide the same in accordance with law. The petitioners are at liberty to raise all the contentions before the ACC in Inquiry No. 192/2023. All the contentions are left open. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/