



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1347 OF 2024

Uddhav S/o Kisanrao Shelke
Age -84 years, Occ : Agri., & Advocate,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.

...PETITIONER

...VERSUS...

1. Prabhakar S/o Dnyanoba Shelke
Age-49 years, Occ : Agri.,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.
2. Assistant Charity Commissioner,
Osmanabad.
3. The Joint Charity Commissioner,
Latur.

...RESPONDENTS

WITH

WRIT PETITION NO. 1348 OF 2024

Uddhav S/o Kisanrao Shelke
Age -84 years, Occ : Agri., & Advocate,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.

...PETITIONER

...VERSUS...

1. Ramraje S/o Bhimrao Shelke
Age-74 years, Occ : Agri.,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.
2. Assistant Charity Commissioner,
Osmanabad.
3. The Joint Charity Commissioner,
Latur.

...RESPONDENTS

WITH
WRIT PETITION NO. 1349 OF 2024

Uddhav S/o Kisanrao Shelke
Age -84 years, Occ : Agri., & Advocate,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.

...PETITIONER

...VERSUS...

1. Prabhakar S/o Dnyanoba Shelke
Age-49 years, Occ : Agri.,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.
2. Assistant Charity Commissioner,
Osmanabad.
3. The Joint Charity Commissioner,
Latur.

...RESPONDENTS

WITH
WRIT PETITION NO. 1350 OF 2024

Uddhav S/o Kisanrao Shelke
Age -84 years, Occ : Agri., & Advocate,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.

...PETITIONER

...VERSUS...

1. Prabhakar S/o Dnyanoba Shelke
Age-49 years, Occ : Agri.,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.
2. Assistant Charity Commissioner,
Osmanabad.
3. The Joint Charity Commissioner,
Latur.

...RESPONDENTS

WITH
WRIT PETITION NO. 1351 OF 2024

Uddhav S/o Kisanrao Shelke
Age -84 years, Occ : Agri., & Advocate,
R/o Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.

...PETITIONER

...VERSUS...

1. Prabhakar S/o Dnyanoba Shelke
Age-49 years, Occ : Agri.,
Khamaswadi, Tq. Kalamb,
Dist. Osmanabad.
2. Assistant Charity Commissioner,
Osmanabad.
3. The Joint Charity Commissioner,
Latur.

...RESPONDENTS

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- Mr. Kishor J. Ghute Patil, Advocate for the Petitioners
 - Mr. A.B. Tele, Advocate for Respondent No.1
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CORAM : ROHIT W. JOSHI, J.
DATED : AUGUST 06, 2025

ORAL JUDGMENT:

The issue involved in all these petitions are in relation to Rokadeshwari Devasthan Trust, therefore, the present petitions are heard and decided together by this common judgment.

2. All these petitions take exception to order dated 20.04.2023 passed by the Assistant Charity Commissioner, Osmanabad, condoning the delay in filing Change Report filed by respondent no. 1. The

controversy in these matters pertains to a religious public trust - Shri Rokadeshwari Devasthan Trust, registered for management of Rokadeshwari Devi Temple, Khamsawadi, Tq. Kalamb, Dist. Osmanabad. The said trust was registered on 28.08.1962 vide No. A-911 (Osmanabad). From the year 1996 and onwards, Change Reports with respect to the elections of Board of Trustees have not been filed. The petitioners and other devotees had filed an application under Section 47 of the Maharashtra Public Trust Act against respondent no. 1 and other trustees.

3. In this backdrop, respondent no. 1 has filed five Change Reports regarding elections of Board of Trustees. In all these matters, there was a delay caused in filing the Change Reports. Respondent No. 1 filed separate applications for condonation of delay in all five matters. It is stated that respondent no. 1 – trustee was not aware about legal obligations regarding filing of Change Reports and therefore, unintentionally the delay had occurred in filing the Change Reports. The petitioner filed application for intervention and opposed the application for condonation of delay. The learned Assistant Charity Commissioner has allowed all five applications for condonation of delay by imposing costs. It is observed that the matter should not be treated as a dispute between two persons and interest of the Trust should be protected and

therefore, liberal view is required to be taken. Aggrieved by that order of condonation of delay, the petitioners filed revision applications before the Joint Charity Commissioner, which are also rejected. It is held that it is paramount to protect the interest of the trust and therefore, liberal view should be taken in matters of delay in filing Change Reports. Being aggrieved by the said orders, these petitions are filed by the interveners, who claims to be a devotee.

4. The learned counsels for the petitioners states that ignorance of law can never be a ground for condonation of delay. He contends that records have been fabricated to make a show that elections were held, although no such elections were ever held. Placing reliance on judgment dated 10.02.2017 passed by this Court (Nagpur Bench) in Writ Petition No. 6078 of 2015, the learned advocate contends that the application for condonation of delay was liable to be rejected.

5. Per contra, the learned advocate for respondent no. 1 supports the orders. He submits that discretion exercised by two authorities should not be interfered with, particularly when orders involving discretion for condonation of delay are impugned in these petitions. The learned advocate states that the provisions of Maharashtra Public Trust Act have been amended by Maharashtra Act No. 40 of 2017,

which has come into force w.e.f. 10.10.2017 by which a specific provision for condonation of delay is incorporated in the Act. The learned advocate places reliance on judgment of the Hon'ble Supreme Court in the matter of **Shri Mallikarjun Devasthan Shelgi Vs. Subhash Mallikarjun Birajdar and Others** reported in **2024 SCC OnLine SC 646**.

6. Perusal of the impugned order will demonstrate that the learned Assistant Charity Commissioner has observed that although proper reason is not assigned for seeking condonation of delay, the delay is condoned, having due regard to the interest of the public trust. The learned Revisional Authority has also concurred with the view taken by learned Assistant Charity Commissioner. It is well settled that this court in exercise of its writ jurisdiction should be slow in interfering with discretionary orders such as orders passed on application for condonation of delay. In the considered opinion of this court, the learned advocate for respondent no. 1 has rightly pointed out that the judgment in Writ Petition No. 6078 of 2015 was delivered when there was no specific provision for condonation of delay in filing Change Report under the Act and now such provision is incorporated in the Act. The judgment of the Hon'ble Supreme Court, which is relied upon by respondent no. 1 will demonstrate that the Hon'ble Supreme Court has also observed that a lenient view needs to be adopted while dealing with applications for

condonation of delay in filing Change Reports. The judgment also holds that it is also duty of the authorities under the Act to maintain proper records of public trusts which obviously includes recording change that occurs in the Trust. Having regard to circumstances and the position of law as laid down by the Hon'ble Supreme Court, in the considered opinion of this Court, the impugned orders need not be interfered with.

7. The learned Assistant Charity Commissioner has imposed costs of Rs.4000/-, Rs.8000/-, Rs.10,000, Rs.6000/- and Rs.2000/- respectively while allowing the application for condonation of delay. A perusal of Section 66 will indicate that cost of Rs.10,000/- should be imposed in case of failure to report a change under Section 22 within the prescribed period. In view of the above, all these petitions are **partly allowed** by maintaining the order dated 20.04.2023 passed by the learned Assistant Charity Commissioner in all applications, as also orders passed by the Joint Charity Commissioner in Revision Application Nos.64/2023, 62/2023, 61/2023, 63/2023, 65/2023, subject to payment of cost of Rs.10,000/- in each matter.

8. Needless to mention that contention of the learned advocate for the petitioners with respect to fabrication of records which pertains to merits of Change Report is not dealt with since the matter pertains to

condonation of delay. The learned Assistant Charity Commissioner will have due regard to the allegations made in this regard while deciding the Change Reports.

[ROHIT W. JOSHI, J.]