

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1768 OF 2025

Sidram Raghunath Pujari ... Petitioner

V/s.

The State of Maharashtra, through
Secretary, Law & Judiciary & Ors. ... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.02.24
18:39:32 +0530

Mr. Atul R. Patil for the petitioner.

Mrs. Snehal S. Jadhav, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2025

P.C.:

1. The present Writ Petition takes exception to an order dated 23 September 2023 passed by the Deputy Charity Commissioner, Solapur Division, Solapur (the “Deputy Charity Commissioner”). By that order, the Deputy Charity Commissioner directed the Senior Inspector of Police, Chawadi Police Station, to peruse various orders passed by authorities since the year 2023 and verify whether those orders have been challenged or set aside by higher authorities. The Senior Inspector of Police was further directed to arrive at a conclusion regarding clause 4 of the order dated 22 February 2024.

2. Upon careful scrutiny of the record, it emerges that the focal point of controversy is whether the Deputy Charity Commissioner

had the legal competence to issue such directions under the Maharashtra Public Trusts Act, 1950 (the “Act”). The Act prescribes the powers and functions of Charity Commissioners, Joint Charity Commissioners, and Deputy Charity Commissioners. It is incumbent upon such authorities to act strictly within the confines of the powers conferred upon them by law.

3. Counsel for the Petitioner has urged that the order dated 23 September 2023 does not violate any express provision of the Act. However, upon a meticulous reading of Sections 68, 69, and allied provisions of the Act—particularly those that set forth the powers of the Charity Commissioner and the Deputy Charity Commissioner—there is no provision that authorizes the Deputy Charity Commissioner to direct or oversee a police investigation, or to instruct a police officer to verify prior orders for the purpose of determining whether they have been challenged or set aside.

4. An investigation by the police may be warranted if there is a disclosure of the essential ingredients of any penal offence under the relevant criminal enactments. In this regard, this Court clarifies that the setting aside of the order dated 23 September 2023 shall not operate as an impediment to any investigation that may be initiated, provided an First Information Report (“FIR”) is lawfully registered based on cognizable information. The investigating agency shall remain at liberty to proceed in accordance with law, unhampered by the annulment of the Deputy Charity Commissioner’s order.

5. For the reasons enunciated hereinabove, this Court holds that the impugned order dated 23 September 2023 was rightly set aside by the Joint Charity Commissioner in view of the lack of legal authority of the Deputy Charity Commissioner to issue directions to the police under the Maharashtra Public Trusts Act, 1950. However, this shall not preclude the police from taking action if the ingredients of any penal statute are disclosed in the course of independent investigation.

6. With the aforesaid observations and clarifications, the Writ Petition stands disposed of. No costs.

(AMIT BORKAR, J.)