

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3628 OF 2019

Shivaji Pandurang Patil

... Petitioner

V/s.

Yashwant Kashid Shikshan Sanstha,
Punadi, Walva & Ors.

... Respondents

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WITH

WRIT PETITION NO.3636 OF 2019

Dilip Ramchandra Rankhambe & Ors.

... Petitioners

V/s.

Yashwant Kashid Shikshan Sanstha,
Punadi, Walva & Ors.

... Respondents

Mr. Anil Anturkar, Senior Advocate with Mr. Amol Gatne and Mr. Shubham Misar for the petitioners in both petitions.

Mr. Uday. P. Warunjikar with Mr. Sumit Kate for respondent Nos.1 to 8 in both petitions.

Ms. P. J. Gavhane, AGP for the State-respondent Nos.9 and 10 in WP/3628/2019.

Mr. J. P. Patil, AGP for the State-respondent Nos.9 and 10 in WP/3636/2019.

CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2025

P.C.:

WRIT PETITION NO.3628 OF 2019

1. Though the present writ petition emanates from the rejection of the change report submitted by the petitioners under the

provisions of the Maharashtra Public Trusts Act, 1950, this Court cannot remain oblivious to the peculiar factual matrix in which the Trust presently finds itself. It is an undisputed position that as on date, there exists no de jure body which claims to be managing the affairs of the Trust in accordance with the provisions of the registered scheme. In such circumstances, and in order to ensure that the administration of the Trust is not rendered defunct or exposed to mismanagement in the interregnum, this Court is of the considered view that it would be in the paramount interest of the Trust and its beneficiaries that a fresh election be conducted under the supervision of an independent authority. To instill transparency and maintain the sanctity of the election process, such an election shall be conducted under the supervision of an Inspector to be appointed by the Deputy Charity Commissioner, Sangli Division, Sangli.

2. Accordingly, it is directed that the Deputy Charity Commissioner, Sangli Division, Sangli, shall appoint an Inspector for the purpose of conducting the election of the managing committee of respondent No.1-Trust. The person so appointed shall be of unblemished character and reputation and shall preferably be a person having adequate knowledge of the functioning of public trusts and experience in overseeing or conducting such elections. The appointment shall be made within a period of two weeks from the date of this order.

3. The Inspector so appointed shall conduct the election strictly in accordance with the scheme of administration of the Trust which is presently in force. However, prior to initiating the process

of election, the Inspector shall examine the provisional list of voters prepared and assess its legality and validity in the light of the provisions of the scheme. In doing so, the Inspector shall afford an opportunity of hearing to the persons who may be adversely affected by inclusion or exclusion from such provisional list, if necessary. After considering all objections and suggestions, the Inspector shall publish a final voters' list. The entire process of finalizing the voters' list and conducting the election based on such final list shall be completed expeditiously and in any case within a period of three months from today.

4. The writ petition is accordingly disposed of. No costs.
5. Pending interlocutory application(s), if any, stand disposed of.

WRIT PETITION NO.3636 OF 2019

6. List the writ petition on **16 June 2025**.

(AMIT BORKAR, J.)