

Shabnoor

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

WRIT PETITION NO.10924 OF 2023

Jeevandeep Shikshan Sanstha & Ors. ... Petitioners

V/s.

The Joint Charity

Commissioner Kolhapur & Ors. ... Respondents

Mr. Chetan Patil i/b Mr. Mandar G. Bagkar, for
petitioners.

Mr. Yuvraj Narvankar, for respondent No.3.

Ms. Dhruti Kapadia, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 13, 2025

P.C.:

1. The challenge in this petition is to an order passed by the Joint Charity Commissioner, Kolhapur Division, Kolhapur, remanding the proceedings back to the Assistant Charity Commissioner, Kolhapur Division, Kolhapur.

2. The learned Advocate for the petitioners, relying on the judgment of this Court in the case of *Jagatnarayansingh Vs Swarupsingh Education Society*, 1980 Mh. L. J. 372, submits that in the absence of allegations of forgery or fraud, or any act amounting to a major policy decision by the managing committee—and considering that the managing committee had neither sold nor purchased property upon the expiry of its term—any inquiry

into the validity of the election is rendered academic.

3. However, the learned Advocate for the respondents directed my attention to the grounds and averments contained in the appeal, which indicate that the respondents have raised an issue regarding the validity of certain members and the validity of the expulsion action.

4. In my opinion these issues are within the exclusive jurisdiction of the Authority under Section 22 of the Maharashtra Public Trusts Act, 1950, as that section provides the sole forum for adjudicating the validity or eligibility of members hence issue involved is not rendered academic.

5. In view of the foregoing submissions and the applicable statutory framework, the writ petition is, therefore, dismissed with no order as to costs.

(AMIT BORKAR, J.)