

VRJ

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

WRIT PETITION NO.5439 OF 2025

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2025.11.10
18:02:44 +0530

Shri. Devi Shantadurga Devasthan Usap
Tal. Dodamarg, Dist. Sindhudurg
Reg. No.A/410 Sindhudurg Through

- 1 Shyamrao Amrutrao Desai
Age-61 years, Occu-Agriculture
- 2 Ratnakar Harishchandra Gavas
Age-34 years, Occu-Agriculture
- 3 Babaji Waman Desai
Age-33 years, Occu-Agriculture
- 4 Deu Babi Gavas
Age-65 years, Occu- Agriculture
- 5 Sunil Arjun Gavas
Age-36 years, Occu- Agriculture

All R/a. Usap, Tal. Dodamarg,
Dist. Sindhudurg

... Petitioners

V/s.

- 1 Assistant Charity Commissioner,
Sindhudurg
- 2 Pradipsing Indrasen Desai
Age-50, Occu- Agriculture
- 3 Prakash Sakharam Gavas
Age-39, Occu- Agriculture
- 4 Rajendra Mahadeo Gavas

Age-47, Occu- Agriculture

- 5 Bharat Arjun Gavas
Age-31, Occu- Agriculture
All R/a. Usap, Tal. Dodamarg,
District Sindhudurg

- 6 Joint Charity Commissioner
Kolhapur

...Respondents

Mr. Sangramsinh Yadav for the petitioners.

Mr. Sanjay D. Rayrikar, AGP for the State-respondent
Nos.1 and 6.

Mr. Pravin P Kadam for respondent Nos.2 to 5.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 3, 2025

JUDGMENT.:

1. The present Writ Petition takes exception to order dated 21st February 2025 passed by learned Joint Charity Commissioner, Kolhapur, in Revision Application No. 20 of 2024, thereby upholding order dated 22nd November 2023 passed by learned Assistant Charity Commissioner, Sindhudurg, in Change Application No. 242 of 2020.

2. Petitioners had filed Change Application No. 242 of 2020 before learned Assistant Charity Commissioner, Sindhudurg,

thereby reiterating change brought into effect by election of trustees in the meeting held on 11th October 2020 for period from 12th October 2020 to 11th October 2025. It is the contention of Petitioners that the scheme for trust was approved on 15th April 2010, and on 2nd January 2017, six trustees were elected as per the scheme. Change Report No. 51 of 2017 was filed. One Laxman Sakharam Gavas had objected to the said change report. Thereafter, on 11th October 2020, a meeting of members and villagers was convened, and trustees were elected for period from 2020 to 2025. Accordingly, Change Report No. 242 of 2020 was filed before Assistant Charity Commissioner. It was rejected on 22nd November 2023 on the ground that Petitioners failed to lead evidence.

3. Petitioners filed Revision Application No. 20 of 2024 before Joint Charity Commissioner, which was rejected, thereby upholding the order passed by Assistant Charity Commissioner, with a further direction to conduct elections under supervision of the Assistant Charity Commissioner as per constitution of the trust.

4. Mr. Sangramsinh Yadav, learned Counsel appearing for Petitioners, submits that since settlement talks were going on

among trustees, the evidence in pursuance of change report was not recorded before Assistant Charity Commissioner. He further submits that there was a pandemic situation in the year 2020. In this background, the Assistant Charity Commissioner could not have rejected change report. Even learned Joint Charity Commissioner could have considered aforesaid aspect and granted sufficient opportunity to the Petitioners to lead evidence.

5. Mr. Pravin P. Kadam, learned Advocate appearing for Respondent Nos. 2 to 5, submits that as per order dated 21st February 2025 passed by learned Joint Charity Commissioner, directions were issued for fresh election of the managing committee under supervision of Assistant Charity Commissioner. On 26th July 2025, a notice was issued to the stakeholders for election of trustees. However, due to disputes between stakeholders, the election proceedings have been stayed. He submits that the term of the managing committee, for which Change Report No. 242 of 2020 was filed, has already been over. He would therefore urge that in view of the subsequent events, no interference is required in impugned orders.

6. Having considered the submissions advanced by learned

Advocates appearing for respective parties, it can be observed that although Change Report No. 242 of 2020 was submitted by the Petitioners, it was not diligently prosecuted. Ultimately, on 22nd November 2023, learned Assistant Charity Commissioner rejected the change report, holding that parties were not interested in prosecuting the same. The aforesaid order was subjected to challenge by Petitioners before the Joint Charity Commissioner, wherein an alternative prayer was made for a direction to conduct fresh elections of trustees as per the scheme of the trust.

7. Apparently, the learned Joint Charity Commissioner accepted the alternative prayer of the Petitioners and issued directions for the election of the managing committee of the trust under the supervision of the Assistant Charity Commissioner. It appears that in pursuance of such directions, steps have already been taken for election of a new managing committee. Even otherwise, Petitioners have not been able to justify their inaction in prosecuting Change Report No. 242 of 2020, which has been rejected under the impugned order. Now term of election under Change Report No.242 of 2020 is over. In result, this Court finds no reason to interfere in exercise of its writ jurisdiction. Hence, the

Writ Petition stands rejected.

8. Pending interlocutory application(s), if any, stand disposed of.

(S. G. CHAPALGAONKAR, J.)