

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10596 OF 2025

Sudhir Shamrao Patil & Anr

..Petitioners

Versus

Tanaji Ganpat Shinde & Ors

...Respondents

WITH

INTERIM APPLICATION (ST) NO. 27128 OF 2025

IN

WRIT PETITION NO. 10596 OF 2025

Mr. Macchindra Patil, with Jaydeep Shringare, for the Petitioner.
Mr. Sandesh Patil, i/b Prithviraj Gole, for Respondent Nos. 1 to 11.
Mr. Abhishek T. Ingale, i/b Umesh Mankapure, for Respondent No.12.
Mr. Dilip Shinde, for Intervenor.
Mr Tanaji Ganpat Shinde, Respondent No.1, present in Court.

CORAM: N. J. JAMADAR, J.

DATED : 7th AUGUST 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 8th April 2025 passed by the learned Joint Charity Commissioner, Kolhapur, whereby an Application for impleadment preferred by the Respondent Nos. 1 to 11 in a proceeding under Section 47 of the Maharashtra Public Trust Act

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1950, came to be allowed without ascribing any reason, by a virtually monosyllabic order.

3. On 18th June 2025 this Court while issuing notice was persuaded to grant ad-interim relief in terms of prayer clause (c) of the Petition, by observing as under:

“4. Considering the fact that the impugned order is a one line order, without recording any reasons and in the light of the specific plea of the petitioners that they were not put to notice before the impugned order was passed, there shall be ad-interim stay in terms of prayer clause (c), till the next date of listing.”

4. Mr. Patil, the learned Counsel for the Respondent Nos. 1 to 11, whose application for impleadment came to be allowed by the impugned order, on instructions of Mr. Tanaji G. Shinde, Respondent No.1, who is present in Court, submits that the impugned order may be set aside, and the Application for impleadment be directed to be decided afresh by the learned Joint Charity Commissioner after providing an opportunity of hearing to the parties.

5. Having regard to the monosyllabic order, the aforesaid course, suggested by Mr. Patil, appears to be the only course which can be legitimately resorted to, in a situation of the present nature.

- 6.** Since the impugned order is bereft of reason, the impugned order stands quashed and set aside.
- 7.** The Application for impleadment preferred by the Respondent Nos. 1 to 11, under Section 73 A of the Maharashtra Public Trust Act, stands restored to the file of the learned Charity Commissioner.
- 8.** The learned Joint Charity Commissioner shall decide the Application afresh after providing an effective opportunity of hearing to the parties and by recording reasons.
- 9.** The contention on behalf of the Petitioners that Respondent Nos. 1 to 11 have no locus, is kept open for consideration by the Joint Charity Commissioner.
- 10.** Petition disposed.
- 11.** The Joint Charity Commissioner shall decide the Application No. 7 of 2011 as expeditiously as possible.
- 12.** In view of the disposal of the Petition, the Intervention Application, IA (Stamp) No.27128 of 2025, also stands disposed.

[N. J. JAMADAR, J.]