

*Shabnoor*

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

**WRIT PETITION NO.9102 OF 2017**

SHABNOOR  
AYUB  
PATHAN

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Adarsh Shikshan Sanstha,  
Rajewadi & Anr.

... Petitioners

**V/s.**

Deputy Charity Commissioner,  
Sangli Division & anr.

... Respondents

Mr. Saurabh S. Pakale i/b Mr. Shankar M. Kattar, for  
petitioners.

Mr. S. D. Rayrikar, AGP for State – respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : FEBRUARY 6, 2025**

**P.C.:**

1. The petitioners herein have invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, assailing the legality and validity of separate orders rendered by the competent authority under Section 73A of the Maharashtra Public Trusts Act, 1950 (“the Act”), pertaining to distinct change reports filed in relation to the affairs of the Trust. It is pertinent to note that each impugned order arises from a separate change report, each pertaining to a distinct temporal period and divergent subject matter. Specifically, one of the change reports concerns a substantive amendment to the very object of the Trust, a matter fundamentally distinct in nature and legal implication from other routine administrative changes that may

fall within the ambit of Section 73A of the Act.

2. In light of the foregoing, this Court is constrained to observe that the present writ petition suffers from a fatal defect of misjoinder of causes of action. The amalgamation of challenges to disparate change reports—each necessitating independent adjudication on factually and legally distinct grounds—constitutes a procedural impropriety that militates against the foundational principles of orderly judicial determination. The doctrine of severability of causes of action, mandates that distinct and unrelated claims ought not to be conflated in a single proceeding, lest it result in a miscarriage of justice or procedural convolution.

3. Furthermore, the inherent variance in the periods and substantive nature of the change reports in question renders a consolidated adjudication neither feasible nor judicially expedient. The alteration of the Trust's object, being a matter of significant legal consequence, demands a sui generis evaluation of compliance with statutory prerequisites under the Act, including but not limited to the requirements of public interest, beneficiary consent, and adherence to the Trust's original purpose. Conversely, routine administrative modifications, if any, would necessitate a wholly distinct analytical framework.

4. In view of the aforementioned, this Court finds that the petition, by clubbing multifarious and incongruent challenges, is inherently defective in form and substance, thereby rendering it non-maintainable in law. The attempt to conflate disparate grievances into a singular writ petition not only undermines

procedural discipline but also impedes the clarity and precision required in judicial review. Consequently, the writ petition is dismissed. All pending interlocutory applications, if any, stand disposed of.

**(AMIT BORKAR, J.)**