

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12725 OF 2024

Mohan Chandrakant Bhadange

...Petitioner

V/s.

Mukund Vitthalrao Bhadange and
Ors.

...Respondents

Mr. Z.M. Khairadi *for the Petitioner.*

Ms. M.S. Bane, *AGP for Respondent No.6.*

CORAM: SANDEEP V. MARNE, J.

Dated: 21 April 2025.

P.C.:

1) Petition challenges order dated 28 June 2024 passed by the Joint Charity Commissioner-II, Pune, dismissing the Appeal preferred by the Petitioner and confirming the judgment and order dated 8 March 2021 passed by the Assistant Charity Commissioner in Enquiry Application No.937 of 2020. The Joint Charity Commissioner has further directed a reference to the appropriate authority for further investigations and necessary action against the Petitioner in respect of allegations of fraud, mismanagement and misappropriation of Trust's fund.

2) I have heard Mr. Khairadi, the learned counsel appearing for the Petitioner and Ms. Bane, the learned AGP for

Respondent -State and considered the submissions canvassed by them.

3) It appears that Shri Rukmini Pandurang Devasthan, Bhadange Galli, Solapur (**the temple**) was created as a private Trust vide Trust Deed dated 1 November 1919. It was a private Trust by Bhadange family. One of the members of the Bhadange family filed application before the Assistant Charity Commissioner for registration thereof as a Public Trust, which is allowed by the Assistant Charity Commissioner by order dated 8 March 2021. The first complaint of the Petitioner is that order dated 8 March 2021 is passed by the Assistant Charity Commissioner behind the back of the Petitioner. Petitioner claims to be caretaker and *Pujari* in respect of the temple. It appears that he came to be appointed as a caretaker by Deed of Management dated 15 December 1998.

4) In my view, mere appointment of Petitioner as manager for looking after day-to-day affairs of the temple cannot be a ground for opposing the registration as a public Trust. The Assistant Charity Commissioner has recorded a finding of fact that the temple was being visited by members of public. It appears that Assistant Charity Commissioner had issued public notice. The Petitioner failed to object to the proposal before the Assistant Charity Commissioner. Petitioner's private right of offering prayers in the temple cannot override the public interest of the registration of the temple as a public Trust. I am therefore

not inclined to interfere in the impugned order to the extent of registration of public Trust in respect of the temple.

5) However, by the impugned order dated 28 June 2024 the Joint Charity Commissioner has made a reference to the appropriate authority for conduct of further investigations and for necessary action against the Petitioner into the allegations of fraud, mismanagement and misappropriation levelled by the contesting Respondents. In my view, in an appeal filed under Section 70 of the Maharashtra Public Trust Act, 1950(**the Act**) it was impermissible for the Joint Charity Commissioner to direct conduct of such enquiry. If the contesting Respondents are aggrieved by any of the actions of the Petitioner, they would be at liberty to exercise remedies available under the Act. However, under no circumstances, while deciding appeal preferred by the Petitioner challenging registration of public Trust, any direction could have been issued for conduct of enquiry against the Petitioner. It is like giving relief to the contesting Respondent in appeal filed by the Petitioner, which cannot be countenanced. To this limited extent, the order dated 28 June 2024 deserves modification. Since liberty is being reserved for the contesting Respondents to exercise appropriate remedies in respect of their allegations, it would not be necessary for this Court to serve them with notices of the present Petition.

6) Order dated 28 June 2024, to the extent it upholds the order passed by the Assistant Charity Commissioner dated 8

March 2021, is upheld. However, the direction in clause (c) of the of the operative portion of the order dated 28 June 2024 directing investigations against the Petitioner is set aside. The contesting Respondent would however, be at liberty to exercise such remedies as may be available in law *qua* their allegations of fraud, mismanagement and misappropriation of Trust's fund.

7) With the above directions, the Petition is disposed of.

[SANDEEP V. MARNE, J.]