

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

WRIT PETITION NO.14320 OF 2024

Shri Devi Shantadurga and Ravalnath
Mandir Trust
V/s.

... Petitioner

Shri Sudhakar Laxman Palav and ors.

... Respondents

Dr. D. S. Hatle i/by Mr. Deepak Sandekar, Advocates for the Petitioner.

None for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 26 February, 2025.

P.C. :

1. The Petition challenges order dated 27th March, 2024 passed by the Assistant Charity Commissioner, Sindhudurg rejecting the application preferred by the Petitioner under provisions of Section 41A of the Maharashtra Public Trust Act, 1950 (**the Act**) for issuance of directions for proper administration of the Trust.

2. The application was filed on behalf of the Trust by Mr. Laxman Palav contending that despite sanction of the Scheme vide order dated 28th November, 2006 and rejection of appeal on 2nd May, 2014, the old trustees have still not handed over possession of the Trust property to him. The Assistant Charity Commissioner has observed that though the Scheme Application No.461 of 2006 was allowed, the Governing Council has not

been elected thereafter. A change report for the years 2016-2021 has already been rejected. The Assistant Charity Commissioner therefore found it difficult to ascertain the exact trustees to whom properties of the Trust can be handed over. The proper course of action in such circumstances is to hold elections for constitution of Governing Council so that properties of the Trust can be handed over to the trustees. In my view therefore, no serious error can be traced in the approach of the Assistant Charity Commissioner in expecting that elections of the trust are held and clarity is achieved about the exact trustees to whom properties of the Trust can be handed over.

3. Petition is thus devoid of merits and is accordingly rejected. Needless to observe that upon conduct of elections in accordance with law, the trustees would be at liberty to file a fresh application under provisions of Section 41A of the Act.

(SANDEEP V. MARNE, J.)