

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1829 OF 2019
WITH
INTERIM APPLICATION (ST.) NO. 35150 OF 2023

C. P. Bagal And Company ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 1578 OF 2019
IN
WRIT PETITION NO. 1829 OF 2019

Prakash Bhimrao Randive & Anr. ... Applicants

In the matter between :-

C. P. Bagal And Company ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Purushottam G. Chavan for the Petitioner.

Mr. Ashok B. Tajane (Through V.C.) a/w. Mr. Balaji P. Shinde for the Review Petitioner in Review Petition (St.) No. 6981 of 2025 and for Respondent Nos.4A to 4G in WP/1829/2019.

Mr. Ashish S. Gaikwad (Through V.C.) for the Applicants/Intervenors in IA/1578/2019.

Mr. V.M. Mali, A.G.P. for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 11th November 2025.

P. C. :

1. Heard learned counsel for the parties.
2. It is pointed out that the Review Petition in respect of the order dated 13th October 2017 passed in Writ Petition (Stamp) No. 10128 of 2016 is pending before the learned Single Judge. We are making no observations so far as the Review Petition is concerned and the parties are at liberty to pursue Review Petition before the learned Single Judge on its own merits and in accordance with law.
3. So far as the present Petition is concerned, the Petitioner has alleged that there is systematic embezzlement of huge immovable property to the tune of crores of rupees of Respondent No.4-Trust by its trustees hand in glove with other Respondents. The Petitioner is also seeking appropriate directions for investigation into the offence committed by the trustees of the Respondent No.4-Trust, which they have done hand in glove with the Respondent Nos.5, 12, 13, 16 to 18 and other undisclosed culprits. There are other reliefs prayed for.
4. Considering the averments made in the Petition, decision thereon fall within the realm of the adjudication on facts, which is not possible for

us to undertake in the exercise of our jurisdiction under Article 226 of the Constitution of India.

5. Suffice it to observe that the Petitioner has a remedy of approaching the Respondent No.2-Authority for initiation of an inquiry under Section 41D & 41E of the Maharashtra Public Trusts Act, 1950. It is also permissible for the Petitioner to avail the appropriate remedy for initiating criminal prosecution, if the allegation is of embezzlement of the trust funds.

6. In this view of the matter, present Petition is disposed of by permitting the Petitioner to make a comprehensive representation / application before the Respondent No.2-Authority for initiating inquiry under Section 41D & 41E of the Maharashtra Public Trusts Act, 1950. The Respondent No.2 shall obviously take the said representation / application to its logical conclusion expeditiously on its own merits and in accordance with law, if preferred.

7. Keeping all contentions and remedies of the Petitioner open, present Petition is disposed of.

8. If there are any other representation(s), which already preferred by the Petitioner before the Respondent No.2-Authority and/or any other Authority, the same be considered on its own merits expeditiously and in accordance with law. Any other aggrieved party including the intervenor

is also permitted to prefer appropriate application(s), which will be dealt with on its own merits and in accordance with law.

9. In view of disposal of Petition, Interim Application No. 1578 of 2019 and Interim Application (St.) No. 35150 of 2023 pending therein do not survive and is accordingly disposed off.

10. Detag the Review Petition (St.) No. 6981 of 2025.

11. Liberty to move the Review Petition before the learned Single Judge.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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