

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 20025 OF 2025
WITH
INTERIM APPLICATION NO. 9485 OF 2025

Ganga Bhagirathi Shikshan Prasarak Mandal Thr. ...Appellants
De-facto Trustee Sampatrao R. Patil And Ors.

Versus

Sushant Sarjerao Bachhe And Ors. ...Respondents

Mr. Prathamesh Bhargude a/w Sumit Sonare for the Appellants.
None for Respondents.

CORAM : M.M. SATHAYE, J.
DATE : 8th JULY, 2025

P.C. :

1. Heard learned Counsel for the Appellants.
2. This is an appeal filed under Section 47(5) of the Maharashtra Public Trusts Act, 1950 ('the said Act' for short) by the Applicants in Application No. 9 of 2021 challenging the impugned order dated 23.04.2025, by which the Joint Charity Commissioner, Kolhapur Region Kolhapur has rejected the application and parties are directed to conduct the pending change reports within 6 months. It is directed that if the change Reports are not disposed of within 6 months, then the Appellants can hold election.
3. Learned Counsel for the Appellant submits that the application under Section 47 was filed by the Appellants for their appointment because 6 out of 11 Trustees of the Trust has expired. It is

submitted that the Respondents have filed several change reports over a period of about 21 years in one stroke in a bunch on 12.08.2021. This fact is already noticed by this Court in order dated 02.04.2025 in Writ Petition No. 10894 of 2022, arising out of approval to appointment of a staff member in the school run by the Trust.

4. He further submits that the Respondents are acting as present Administrative body under order passed under Section 41A of the said Act, who have been empowered to give approval for appointment of Principal of the school and even directions are issued to the Education Officer to accept approval given by Respondents. He submits that these directions are clearly beyond the scope of section 47 of the said Act. It is submitted that the application under Section 47 of the said Act.

5. Perused the record.

6. Prima facie, directions beyond the scope of Section 47 of the said Act are issued. Bulk filing of change reports after 21 years is alarming. The impugned order proceeds to assume the validity for members on record. The impugned order though records that the Appellant's application under Section 47 is prior in point of time whereas all the change reports are filed since 2000 in bunch in August 2021, grants 6 months time, after holding that in the event the change reports are not disposed of in time, then it would be appropriate to conduct the election from the valid members.

7. In view of the above, prima facie case is made out for grant of ad-interim stay.

8. Considering that the direction is given for disposing of the pending change reports in 6 months, **issue notice for final disposal to the Respondents, returnable on 29.07.2025.** In addition to the Court's notice, private notice is permitted. Necessary affidavit of service be filed before returnable date.

9. Till next date, there shall be ad-interim relief in terms of prayer clause (A), which reads as under:

“A) That this Honourable Court be pleased to stay the order dated 23rd April 2025, passed by learned Joint Charity Commissioner, Kolhapur Region, Kolhapur below Application No. 9 of 2021.”

(M.M. SATHAYE, J.)