



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7931 OF 2024
IN
WRIT PETITION NO.3077 OF 2022

Shrikant Gajanan Beni

...Applicant

In the matter between
Milind Purushottam Jahagirdhar and
Anr.

...Petitioners

V/s.

The Ld. Joint Charity Commissioner
and Ors.

...Respondents

Mr. Vivek V. Salunkhe *for the Applicant.*

Dr. Uday P. Warunjikar *with Mr. Aditya Kharkar for the Petitioners.*

Ms. Snehal S. Jadhav, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 13 NOVEMBER 2025.

P.C.:

1) This Interim Application is filed by original Respondent No.2 in the main Petition seeking following prayers:-

- a) This Hon'ble Court be pleased to allow this Application.
- b) This Hon'ble Court be pleased to call for the entire records and proceedings of the Writ Petition of 3077 of 2022 and the Order dated 21.08.2023; and after perusal of the same, this Hon'ble

Court be pleased to clarify that the issue as regards to membership of the Applicant has not been dealt with and decided by this Hon'ble Court.

- c) This Hon'ble Court be pleased to quash and set aside the letter dated 05.10.2023 cancelling the membership of the Petitioner by relying on the Order passed by this Hon'ble Court on 21.08.2023.
- d) This Hon'ble Court be pleased to injunct the Respondents herein from cancelling the membership of the Applicant.
- e) Pending the hearing and final disposal of this Application, this Hon'ble Court be pleased to grant ad-interim reliefs in terms prayer clause (c) & (d) above.
- f) Any other reliefs as deemed fit be granted in favour of the Applicant.

2) Applicant is thus aggrieved by letter dated 5 October 2023 passed by the Trust cancelling his membership. It is contended on behalf of the Applicant that the only reason why the membership is cancelled is passing of order dated 21 August 2023 by this Court in the main Petition. It is contended that order of this Court does not envisage cancellation of membership of the Applicant in any manner.

3) While disposing of the main Petition by order dated 21 August 2023, this Court has recorded following findings in paragraph 8:-

8. There can be no dispute to the proposition that the Deputy Charity Commissioner does not have jurisdiction to expel those members of a Trust and that the same would fall within exclusive jurisdiction of a Civil Court. Under Section 22 of the Maharashtra Public Trusts Act, 1950, the scope of inquiry is limited to the correctness of the elections held and the Change reported. In the present case, perusal of the Order passed by the Deputy Charity Commissioner does not indicate any direction for expulsion of any member.

4) Thus, it is expressly held by this Court that while conducting enquiry under Section 22 of the Maharashtra Public Trusts

Act, 1950(**MPT Act**), the issue of validity of the membership cannot be gone into. Writ Petition No.3077 of 2022 emanated out of Section 22 enquiry conducted by Deputy Charity Commissioner as interfered by the Joint Charity Commissioner. Thus, what this Court did while deciding Writ Petition No.3077 of 2022 is to merely examine the correctness of enquiry under Section 22 of the MPT Act. Findings recorded in paragraph 8 of the order dated 21 August 2023 about impermissibility to go into the issue of validity of membership while conducting of enquiry under Section 22 of the MPT Act would clearly come in the way of Petitioner seeking cancellation of letter dated 5 October 2023. The issue of cancellation of membership of the Applicant cannot be a subject matter of Section 22 enquiry. Therefore regardless of reasons recorded in the letter dated 5 October 2023, the said issue cannot be agitated by filing the Interim Application in the main Petition in which the issue was with regard to enquiry under Section 22 of the MPT Act.

5) The Applicant will have to adopt independent remedy for challenging letter dated 5 October 2023. In such proceedings the Applicant will be at liberty to demonstrate as to how his expulsion from membership is illegal or contrary to the order dated 21 August 2023 passed by this Court or to the order passed by the Deputy Charity Commissioner. The relief of restoration of membership cannot be decided in the present Interim Application.

6) Interim Application is accordingly **disposed of**.

[SANDEEP V. MARNE, J.]