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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2069 OF 2025

Dhanottam Vasant Lonkar

...Petitioner

Versus

Assistant Charity Commissioner No.II, Pune
and Ors.

...Respondents

Mr. Shubham Gangan i/b. Mr. Harshad Sathe, Advocates for the Petitioner.
Mr. Ketan Joshi, 'B' Panel Counsel for the State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 8 APRIL, 2025

PC.:

1. This Petition is filed under Article 226 of the Constitution of India praying for the following substantive reliefs.

“(i) This Hon’ble Court may be pleased to issue a Writ of Mandamus and/or writ in the nature of Mandamus or any other Writ, order or direction, thereby directing the Respondent No.01 to decide the Change Report No. 2198 of 2015 and pass the appropriate orders;

“(ii) The Hon’ble Court may be pleased to issue a Writ of Mandamus and/or writ in the nature of Mandamus or any other Writ, order or direction, thereby after deciding the Change Report pending before the Ld. Assist. Charity Commissioner, the Hon’ble High Court may direct the Ld. District Court, Pune to expedite the execution proceedings”.

2. The Petitioner is the hereditary trustee of Someshwar Devasthan at

Pashan, Pune. This is a historic temple in Pune which is existing since over six hundred years, as stated in the Petition, which is protected as historic monument Grade II by Law, registered as a public trust with the Charity Commissioner, Pune under the exclusive possession and management of Chitrav Family for over three hundred years. A scheme for management and proper administration of the said trust was framed on 25th October, 2010. One Vinayak Nimhan and others were appointed as trustees to the said trust. The Petitioner was aggrieved by the alleged illegal activities including misappropriation of funds and illegal constructions by such persons to which the Petitioner objected. On such background, a Change Report was filed in the year 2015 for deleting the name of the Petitioner from the said trust. It was in the year 2016 that the Petitioner filed Execution Proceeding No. 1320 of 2016 before District Court, Pune, to restore possession of the Trust property to the hereditary trustees in accordance with the prevalent scheme. Such Change Report dated 16th September, 2021 was listed before the Assistant Charity Commissioner – II Pune. However, thereafter, there has been no progress and the Change Report No. 2198 of 2015 dated 31st March, 2015 is pending with the said Assistant Charity Commissioner, Pune since then.

3. It is in the above backdrop, that the present petition is filed. We have heard Mr. Shubham Gangan, learned counsel for the Petitioner and Mr. Ketan Joshi, 'B' Counsel, for the State. With their assistant we have perused the record.

4. Mr. Joshi would oppose the Petition. However, there is no written

opposition/ affidavit-in-reply on record.

5. Considering the above, we find that Mr. Gangan is correct in submitting that the Change Report dated 31st March, 2015 is pending adjudication with the Assistant Charity Commissioner, Pune. Though it was listed for hearing on 16th September, 2021, there is no progress on the adjudication of the Change Report. As the same is long pending, it ought to be expeditiously decided by the Assistant Charity Commissioner in accordance with law.

6. In our view, the following order would meet the ends of justice.

ORDER

(i) The Respondent No.1 shall hear the Petitioner on the Change Report No.2198 of 2015 dated 31st march, 2015 and pass a reasoned order in accordance with law, as expeditiously as possible, in any event, within a period of four months from the date this order is made available by the Petitioner to the Respondent No.1.

(ii) All rights and contentions of the parties are expressly kept open.

(iii) Writ petition is disposed on in the above terms with no costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]