

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.18735 OF 2024

Ashok Shreekrishna Beharay

...Petitioner

V/s.

The Joint Charity Commissioner, Pune
Division at Pune and Anr.

...Respondents

Mr. Nikhil Dongre *for the Petitioner.*

Mr. Rajan S. Pawar, AGP *for Respondent No.1-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 7 January 2025.

P.C. :

1) Petition challenges order dated 23 October 2024 passed by the learned Joint Charity Commissioner, Pune Region, Pune, rejecting Application preferred by the Petitioner at Exhibit-35 seeking intervention in Application No.36 of 2024 filed by Respondent No.2 under provisions of Section 41E of the Maharashtra Public Trust Act, 1950 (**MPT Act**). The only reason for intervention in Application No.36 of 2024 pleaded by the Petitioner is that he is an interested person in the Trust as a member of General Body as well as member of Board of Control of the Trust.

2) In my view, Application No.36 of 2024 is filed seeking injunctive reliefs against Director, Walchand College of Engineering, Sangli. In that Application, the alleged disputes between the

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Trustees and interested person of the Trust cannot be permitted to be raised. The learned counsel appearing for the Petitioner raises an apprehension that any finding recorded by the Joint Charity Commissioner in Application No.36 of 2024 with regard to capacity of Mr. Surendra Madhukar Choughule and Dr. Prasad Vasudev Kelkar might be misinterpreted to mean as if Joint Charity Commissioner recognised their right to represent the Trust.

3) In my view, in the limited remit of enquiry under provisions of Section 41E of the MPT Act, against an independent entity, the Joint Charity Commissioner is neither expected nor likely to adjudicate any dispute between the Trustees or interested persons nor any observations made while deciding the said Application would be construed to mean recognition of right of said persons to exclusively represent the Trust in question. The apprehension expressed by Petitioner is thus totally misplaced. Writ Petition is devoid of merits and it is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]