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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 18783 OF 2024

Sanjay Bhimashankar Thobde ...Petitioner
Versus
Joint Charity Commissioner & Ors. ...Respondents

Mr. Yogesh Thorat, Advocate for the Petitioner.
Mr. Ketan Joshi, 'B' Panel Counsel for the State.

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

DATE : 8 APRIL, 2025

P.C.:

1. This Petition is filed under Article 226 of the Constitution of India for the only substantive relief, which reads thus:

> "*b. this Hon'ble Court be its appropriate writ, order or direction may kindly be pleased to direct to the Respondent No.1, Ld. Joint Charity Commissioner, to decide an application No. 22/2018 filed by the present petitioner under section 41D of Maharashtra Public Trust Act, expeditiously within a period of 8 weeks or within such period as this Hon'ble Court may deem fit.*"

2. The Petitioner has approached the Court being aggrieved by the inaction of Respondent No.1 i.e. Joint Charity Commissioner, Pune in not deciding an Application No.22 of 2018 dated 21st August, 2018 filed by the Petitioner under the provisions of Section 41-D of the Maharashtra Public Trust Act,1950. The Petitioner alleges misconduct on the part of the trustees of Respondent No. 2 Trust, who

according to the Petitioner have indulged in mismanagement and malpractices in the affairs of the trust necessitating the removal of Trustees of Respondent No.2 i.e. Shri Siddheshwar Devasthan Trust, Solapur, from the management of the Trust and deletion of their names from the Change Report. It is in this regard that an application under Section 41-D of the Maharashtra Public Trust Act, 1950 dated 21st August, 2018 is filed by the Petitioner before the Respondent No.1.

3. We have heard Mr. Yogesh Thorat, learned counsel for the Petitioner and Mr. Ketan Joshi, 'B' Counsel for the State. With their assistance we have perused the record. Though Mr. Joshi would oppose the petition, there is no written opposition on affidavit-in-reply on record. However, in our view, the order we intend to pass, will not prejudice the Respondents.

4. Mr. Thorat, is correct in submitting that an application No.22 of 2018 filed by the Petitioner under Section 41-D of the Maharashtra Public Trust Act, 1950 is pending for adjudication with Respondent No.1 i.e. Joint Charity Commissioner, Pune Division, Pune, since then, which ought to be decided expeditiously, in accordance with law.

5. In the light of the above, in our view, the following order would meet the ends of justice.

ORDER

(i) The Joint Charity Commission, Pune Division, Pune shall hear the Petitioner on its Application No. 22 of 2018 dated 21st August, 2018 filed under section 41-D of the Maharashtra Public Trust Act and pass a reasoned order, in accordance with law. Such exercise shall be undertaken as expeditiously as possible, in any event, within a period of eight weeks from the date this order is made available to the Respondent No.1, by the Petitioner.

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

(iii) The petition is disposed of in the above terms.

(iv) No order as to costs.

[ADVAIT M. SETHNA, J.] [G. S. KULKARNI, J.]