

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 46 OF 2025**

Bhogawati Shikshan Prasarak Mandal,
Shahunagar, Parite Tal-Karveer, Dist. Kolhapur ...Petitioner

Vs.

Shri. Jaysing Gopalrao Jadhav-Hujare & Ors. ...Respondents

Mr. S. S. Patwardhan with Mr. Chetan Patil i/b. Mr. Mandar Bagkar for
Petitioner.

Mr. H. S. Venegaonkar with Mr. Manoj Sabale and Mr. Aayush Kedia for
Respondent Nos.2 & 4.

Ms. P. J. Gavhane, AGP for State.

**CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 09 JANUARY 2025**

P.C.

1. This writ petition under Article 226 of the Constitution of India is
filed praying for a relief that the order dated 20 December 2024 passed by
the learned Joint Charity Commissioner on an application dated 20
December 2024 moved by one Mr. Rajendra Vishwanath Aadke be
quashed and set aside. The impugned order reads thus:-

“Inspector Ragini Khadke shall assist Supt. Patankar and conduct
election as early as possible.”

2. We are informed by Mr. Patwardhan, learned counsel for the
petitioner that against the rejection of Change Report No. 439 of 2022 by
learned Deputy Charity Commissioner, Kolhapur vide an order dated 18
December 2024, the petitioner has already filed an appeal under Section
70 of the Maharashtra Public Trust Act, 1950 along with an application for

stay before the Joint Charity Commissioner. The petitioner intends to press the stay application and more particularly in view of the impugned ex-parte order dated 20 December 2024 passed by the Joint Charity Commissioner directing conducting of the election. It is informed that the election program has already been notified by the Election Officer and the election is scheduled to be held on 03 February 2025.

3. In this view of the matter, we are of the opinion that it is appropriate for the petitioner to move an application before the learned Joint Charity Commissioner praying for vacating of the ex-parte impugned order dated 20 December 2024, or stay of the said order by filing an appropriate application, as also press for stay application in appeal No. 01 of 2025 filed under Section 70 of the Maharashtra Public Trust Act, 1950 against the rejection of the change report by the learned Deputy Charity Commissioner, Kolhapur. If such an application for stay is made, the same be decided in accordance with law after notice to all the parties as expeditiously as possible and in any event within one week of the filing of the said application. All contentions of the parties in that regard are expressly kept open.

4. The petition stands disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)

corrected pursuant to speaking to minutes order dated 10.01.2025