

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1312 OF 2025

Virendra Ashok Kulkarni

...Petitioner

Versus

Akhil Bhartiya Gandharva Mahavidyalay

Mandal Mumbai And Ors.

...Respondents

Mr. Aniruddha Valsangkar i/b Mr. Rajat Vinod Dighe for Petitioner.

Mr. Y. D. Patil, AGP for State.

Mr. Amit Sale for Respondent No.1 (i).

Mr. Suresh Kamble for Respondent No.1 (a).

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

DATE: 10 MARCH 2025

P.C.

1. We have heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution of India has been filed praying for the following substantive reliefs :

"a. A *Writ of Mandamus* or any other appropriate Writ, order or direction be issued, staying the General Elections for the term 2025 - 2030 of the Respondent No.1 Trust;

b. A *Writ of Mandamus* or any other appropriate Writ, order or direction be issued, suspending the current Executive Committee comprising of the Respondent Nos.1 (a) to 1 (i);

c. A *Writ of Mandamus* or any other appropriate Writ, order or direction be issued, restraining the Respondent No.1 (a) to 1 (j) from performing any acts as members of the Executive Committee and the Management Council;

d. A *Writ of Mandamus* or any other appropriate Writ, order or direction be issued, appointing an Administrator for the management

of the Respondent No.1 Trust pending the enquiry instituted by the learned Respondent No.2 vide Order dated 10.09.2024;

e. A *Writ of Mandamus* or any other appropriate Writ, order or direction be issued to the learned Respondent No.2, expediting *inter alia*, the enquiry instituted by the learned Respondent No.2 vide Order dated 10.09.2024 and any other proceedings pending before the learned Respondent No.2 in respect of the respondent No.1 Trust;"

3. It is not in dispute that the election of respondent No.1 - Trust has already been held and results were declared on 9 February 2025. The new body has now taken the charge. The case of the petitioner is that there are several proceedings which are pending adjudication before the Charity Commissioner and/or the Officers subordinate to him including an enquiry against respondent No.1.

4. In this view of the matter, as the elections were already held, if the petitioner has any grievance in regard to the elections and the participation of the candidates in the elections which according to the petitioner is illegal, by illegal induction of members, all these are issues which the petitioner would be required to raise in appropriate proceedings before the Charity Commissioner.

5. In the facts and circumstances of the case, we are thus inclined to dispose of this petition by the following order.

ORDER

- (i) Liberty to the petitioner to raise all contentions in regard to the General Elections held in February 2025 in appropriate proceedings

before the Charity Commissioner as may be permissible under the provisions of the Maharashtra Public Trust Act.

(ii) Insofar as the pending proceedings before the Charity Commissioner and/or the Deputy Charity Commissioner / Assistant Charity Commissioner are concerned, including the change report, the same be decided as expeditiously as possible and in any event, within a period of six months from the date this order is presented before appropriate authorities.

6. All contentions of the parties in that regard are expressly kept open.
7. Petition stands disposed of in the aforesaid terms. No costs.
8. Needless to observe that all parties shall cooperate in the early disposal of the proceedings and if any of the party is not cooperating, the Charity Commissioner is permitted to take an appropriate view of the matter.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)