

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1411 OF 2025

B. Paramanandhan. ... Petitioner.
Versus
B. Parandhaman & Anr. ... Respondents.

**WITH
WRIT PETITION NO. 1420 OF 2025**

B. Paramanandhan. ... Petitioner.
Versus
B. Parandhaman & Anr. ... Respondents.

Mr. Vineet Naik, Senior Advocate a/w. Mr. A.M. Kulkarni, Mr. Miheer Jaykar, Mr. Avesh Ghadge i/b. Akshay Kulkarni, for the Petitioner.

Mr. Yuvraj Narvankar, for Respondent No. 1.

Mr. B.V. Samant, Addl. G.P. with J.P. Patil, AGP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 18th FEBRUARY, 2025

P.C. :

1. These matters were heard at length on 13.2.2025, 14.2.2025, 17.2.2025 and today. Considering the order that we are passing, on the request of the litigating Trustees, we are not adverting to their entire contentions and averments. However, the conduct of Mr. B.

Paramanandhan and Mr. B. Parandhaman, biological warring brothers, needs to be dealt with.

2. A police officer by name Shri Sanjay Mohite, in-charge Inspector of Police Unit-4, Economic Offenses Wing, Mumbai, had issued a notice to Shri Prashant P. Chavan, learned Assistant Charity Commissioner - 4, Pune, dated 14.7.2023, stating therein that Mr. Balsubramaniam Parandhaman has filed a complaint against Shri Chavan for the offences of criminal conspiracy, criminal breach of trust, misappropriation and cheating to the tune of Rs. 20 Crores which is being inquired into. Since Shri Chavan was well acquainted with the facts and circumstances of the case, he was directed by the Inspector of Police to remain present in person before inquiry officer viz., Police Inspector Shri Mahesh Mahajan on 18.7.2023

3. We have taken a serious exception to the language used by Shri Sanjay Mohite wherein he makes a mention that the complaint indicates above stated offences against Mr. Chavan. The learned AGP points out on instructions that it is a wrong construction of sentences in the first paragraph of the said notice, which give an impression that Mr. B. Parandhaman has filed the complaint containing the above stated

offences against Mr. Chavan. The learned Addl. G.P. submits that Mr. Sanjay Mohite has signed the said notice on the directions of Mr. Mahesh Ramdas Mahajan, Police Inspector, Bhandup Police Station who was the then Police Inspector at Economic Offences Wing, Mumbai.

4. The learned Addl. G.P. places on record an affidavit sworn by Shri Mahesh Ramdas Mahajan, tendering an unconditionally apology for the serious mistake in paragraph-1 of the said notice. An apology is also tendered that inadvertently, a notice for appearing before the officer for inquiry and interrogation was issued to the learned Assistant Charity Commissioner, being oblivious that he was a Judicial Officer. It is further stated in the affidavit dated 18.2.2025, from page No. 171 on wards, that such a mistake would not occur again and he has already apologized to Mr. Chavan for having issued the notice.

5. The learned Addl. G.P. however, submits that Balsubramaniam Parandhaman, the Respondent herein, who introduces himself as an educationist, has levelled an allegation against the learned Assistant Charity Commissioner – 4, Pune, in the 2nd last paragraph of his complaint. The learned AGP clarifies that, upon investigation, the said complaint is closed as it was not falling within the jurisdiction of the

said police officer of the Economic Offences Wing.

6. We accept the apology of Shri Mahajan and we caution him that henceforth, he would peruse every notice properly before signing it and if he is not conversant with the English language, he may issue notice in Marathi language, which is the Rajyabhasha.

7. These are two biological brothers before us and after hearing the learned Senior Advocate for the Petitioner and the learned Advocates for the appearing parties and after perusing the records, it appears that bad blood had been shed between these two biological brothers to such an extent that a bitter battle is embarked upon for gaining the control of the Trust namely, Balaji Society situated at Pune. A chequered history of litigation is writ large on the face of the record. These two brothers are so much deep into hostilities against each other that Respondent no.1, did not even spare the learned Assistant Charity Commissioner forgetting that he is a Judicial Officer. Wild and reckless allegations are made against the concerned Judicial Officer Shri Chavan, which appear to be for self serving purposes. Such conduct of a litigant has to be deprecated in the strongest words.

8. It appears that on account of the intervention of the learned Advocates appearing for the respective sides, that, for a moment, these two brothers seem to have agreed that the pending change reports be decided within a time frame.

9. In view of the above, we inquired about the pendency before the learned Assistant Charity Commissioner – 4, Pune. We are informed that he has a huge pendency before him. Normally, we would be slow in directing out of turn hearing of the matters. However, we realise that the educational institutions being operated by the Trust, are likely to be seriously affected, because of the squabbles between these 2 brothers.

10. The proceedings pending before the concerned office at Pune also indicate that the parties keep on filing application upon application and have virtually restrained the concerned officer from proceeding with the change reports hearings. The record reveals that Respondent No. 1 before us, namely, Mr. B. Parandhaman, is the person who has been filing such applications and has also shown the audacity of writing a remark on the order passed by the learned Charity Commissioner, below Exh. 72 in Change Report No. 3370 of 2021.

11. The record also reveals that these two brothers, namely, B. Paramanandhan and B. Parandhaman (the biological brothers), are prone to create scenes before the concerned authority, though, it has been the Respondent before us Mr. B. Parandhaman, who is more indulging into such acts which indicate scant respect to the Judge as well as to the justice dispensation system.

12. Both these parties have now arrived at the draft minutes of the order and the said draft is signed by the Petitioner and Respondent No. 1 and their learned Advocates. The same are taken on record and marked as 'X-1' for identification.

13. Both the learned Advocates before us, on instructions, submit that they tender an apology for whatever may have happened before the learned Assistant Charity Commissioner Shri Prashant P. Chavan. Both the brothers have expressed remorse and regret and they further express their confidence and trust in the said officer. Shri B. Parandhaman has tendered an affidavit dated 18.2.2025 (4 pages), which is marked as 'X-2' for identification.

14. Respondent No. 1 has filed a complaint against the said officer before the High Court, independently. We are not advertng to the same, since we have no reason to deal with it.

15. It is in the above circumstances and keeping in view that the Educational Institution with certain schools being operated by it, are at stake, an early resolution to the dispute would be instrumental in rescuing such educational institutions. In fact, we have come to a prima facie conclusion to appoint an administrator on the trust. However, since the Petitioner before us claims to be the recently elected President of the Trust and his biological brother, Respondent No. 1 also claims to be an elected President of the same Trust, we have a serious apprehension which has its roots in the records before us, that the Educational Institutions being operated by the Trust are likely to suffer irreparably because of the conduct of these brothers. Hence, we are of the view that if the proceedings could be transferred to any other place away from Pune and to such an authority which has lesser pendency and by imposing certain strict restrictions on both these biological brothers, ends of justice would be met.

16. In this context, we have taken assistance of the learned

Addl. G.P. who points out that there are certain offices of the learned Assistant Charity Commissioner in Mumbai, Thane, Raigad and Palghar, which can be considered for an early disposal of these proceedings. The office of the learned Assistant Charity Commissioner, Palghar is vacant and the learned Assistant Charity Commissioner-1 at Thane is given the additional charge of the office of the Assistant Charity Commissioner, Palghar. He, therefore, suggests that these matters can be transferred to the learned Assistant Charity Commissioner – 3, at Thane.

17. We are going by the suggestion of the learned Addl. G.P. since he has indicated from a chart, which he has shown to us, as regards the pendency before the various authorities. There is minimal pendency before the learned Assistant Charity Commissioner – 3, Thane.

18. We make it clear that this transfer of proceedings is purely to curb the impulses of both these biological brothers, without showing any disrespect or affecting the confidence of the learned Assistant Charity Commissioner Shri Prashant P. Chavan, who was presently dealing with the proceedings at Pune. We make it clear that this transfer of proceedings is not on account of showing diminished confidence in Shri Chavan and it is purely out of convenience that the said

proceedings, list of which is set out here below, would be transferred to the learned Assistant Charity Commissioner -3, Thane :-

Change Reports	
Sr. No.	Proceedings Number
1.	C.R. No. 3320 of 2021
2.	C.R. No. 3321 of 2021
3.	C.R. No. 1237 of 2022
4.	C.R. No. 3327 of 2021
5.	C.R. No. 3516 of 2022
6.	C.R. No. 3517 of 2022
7.	C.R. No. 3574 of 2022
8.	C.R. No. 3588 of 2022
9.	C.R. No. 4149 of 2022
10.	C.R. No. 497 of 2023
11.	C.R. No. 1518 of 2023
12.	C.R. No. 2897 of 2023
13.	C.R. No. 2970 of 2023
14.	C.R. No. 3391 of 2023
Other proceedings	
1.	M.A. No. 283 of 2023
2.	M.A. No. 29 of 2023
3.	M.A. No. 04 of 2023
4.	M.A. No. 26 of 2024

19. In view of the above, **both these Petitions are disposed off** with the following directions :

(a) The above stated proceedings shall stand transferred to the learned Assistant Charity Commissioner – 3, Thane from the Office of

the learned Assistant Charity Commissioner – 4, Pune.

(b) Let such proceedings (the entire files) be transferred as directed above, within a period of 4 weeks.

(c) Both the biological brothers, namely, Shri B. Paramanandhan and Shri B. Parandhaman, shall be restrained from entering the office and premises of the learned Assistant Charity Commissioner – 3, Thane, save and except, with the written permission of the concerned authority.

(d) It is only for the purposes of recording their oral evidence, that they would be permitted to enter the premises and appear before the concerned authority for recording their examination and cross-examination, only if recording of such evidence by Video conferencing facility is not available in the office of the learned Assistant Charity Commissioner – 3, Thane.

(e) If the above mode of Video conferencing recording of evidence is not possible, the parties may also explore the possibility of appointment of a Court Commissioner for recording such evidence.

(f) The parties shall render whole hearted cooperation for the early disposal of the above stated proceedings and for easy

correspondence, both the parties are recording their official email addresses as under, for the purpose of issuance of notices/summons etc. as a part of the procedure while conducting all these proceedings under the provisions of the Maharashtra Public Trust Act.

Petitioner's Email I.D. : b_anand1@yahoo.com.

Respondent No.1's Email I.D.: bparam@yahoo.com &

Parandhaman.Balasubramanian@gmail.com

(g) We would request the learned Assistant Charity Commissioner – 3, Thane, to conclude the said proceedings as expeditiously as possible and preferably on or before 31st December, 2025.

(h) If the learned Assistant Charity Commissioner – 3, Thane finds himself short of time, he is at liberty to move a Civil Application for orders in these disposed off Petitions, before us for seeking extension of the time and he would state the reasons for the delay, whether on account of the conduct of any individual or party, due to which the delay has been caused.

(i) In the event any of these litigating parties misbehave in the office of the learned Assistant Charity Commissioner – 3, Thane, he is at liberty to prepare a report for initiation of the proceedings under the

Contempt of Courts Act and follow the procedure as is laid down in law.

(j) Needless to state, in these matters transferred to the learned Assistant Charity Commissioner – 3, Thane, he would deal with the pending change reports in Serial order of the date of filing/lodging of the said proceedings.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)