

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3403 OF 2025

Vitthal Dhondappa Birajdar & Ors.

... Petitioners

Versus

Ld. Joint Charity Commissioner

Pune Region, Pune & Ors.

...Respondents

Mr. Manoj A. Patil a/w Mr. Akash M. Murudkar for the Petitioners.

Mr. A.I. Patel, Addl. G.P. a/w Ms. T.J. Kapre, A.G.P. for Respondent No.1.

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

DATE : 6 MARCH 2025

P.C.:

1. This petition is filed under Article 226 of the Constitution of India, praying for the only following substantive relief :-

“b) This Hon’ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Ld. Joint Charity Commissioner, Pune Region at Pune to adjudicate/decide and dispose off the Petitioners’ pending Appeal No.31 of 2022 filed under Section 70 of the Maharashtra Public Trusts Act, 1950 at the earliest, in time bound manner and preferably within a period of four weeks.”

2. Mr. Manoj Patil, learned counsel appearing for the Petitioners would submit that an Appeal No. 31 of 2022 dated 19 May 2022 filed by the Petitioners under section 70 of the Maharashtra Public Trusts Act, 1950 (in short “**the Act**”), in Change Report No. 708 of 2018 is pending

adjudication with Respondent No.1. Considering the long pendency of such appeal before Respondent No.1, he would submit that the same be decided expeditiously by Respondent No.1. Mr. Patil, would point out that the urgency in deciding such Appeal is that it would decide the fate of 25 individuals, who according to the Petitioners were legally enrolled as members of trust, namely, Shikshan Prasarak Mandal Trust, District. Solapur.

3. Mr. A.I. Patel, learned Addl. G.P. for Respondent No.1 would oppose the petition. However, there is no written opposition/reply on record.

4. Having heard the learned counsel for the parties, it appears that the appeal filed by the Petitioners under Section 70 of the Act is not decided and is pending with Respondent No.1. Therefore, the same ought to be adjudicated in accordance with law.

5. Considering the above, the following order would meet the interest of justice.

O R D E R

(i) We direct that Respondent No.1 grant a hearing to the Petitioners and after such hearing, pass a reasoned order in accordance with law, in Appeal No. 31 of 2022 as expeditiously as possible, not later than a period of four weeks from the date this Order is made

available to Respondent No.1.

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

(iii) Writ Petition is disposed of in the above terms.

(iv) No cost.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

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