

*Shabnoor*

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

**WRIT PETITION NO.4610 OF 2025**

Ashok Baban Tavhare & Anr.

... Petitioners

**V/s.**

The Joint Charity

Commissioner of Pune & Anr.

... Respondents

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Mr. Wasim Samlewale for petitioner.

Mrs. Snehal S. Jadhav, AGP for State – respondent  
Nos.1 to 7.

Ms. Preeti Walimbe, for Intervener.

**CORAM : AMIT BORKAR, J.**

**DATED : APRIL 30, 2025**

**P.C.:**

1. The present writ petition is directed against the rejection of an application preferred by the petitioners, which, according to them, was filed pursuant to liberty expressly granted by the Division Bench of this Court in Writ Petition No. 11850 of 2023, by its order dated 20th January 2025.

2. A perusal of the said order of the Division Bench reveals that the grievance of the petitioners pertained to the re-constitution of the Managing Committee of a registered public trust. The Division Bench, having considered the contours of the reliefs sought and the pending proceedings before the Charity Authorities, proceeded to observe in paragraph 4 as under:

“In our opinion, in the aforesaid circumstances, it will be appropriate for the petitioners with whatever locus the petitioners would have to move an application before the Joint Charity Commissioner in the proceedings of Suo Motu Application No.01 of 2018 and seek appropriate directions, including to vacate the said order. If such application is filed within three weeks from today, the same be considered and appropriate orders after hearing the concerned parties be passed within six weeks thereafter.”

3. Acting upon the liberty so granted, the petitioners preferred an application in the already disposed proceeding initiated under Section 41D of the Maharashtra Public Trusts Act, 1950 (hereinafter referred to as "*the said Act*"). The principal relief sought was the re-constitution of the Managing Committee of the Trust in question.

4. In my considered view, such relief, though otherwise open to be canvassed under appropriate provisions of the Act, could not have been entertained in a proceeding already disposed of under Section 41D of the said Act. The statutory architecture of the Maharashtra Public Trusts Act, 1950 draws a clear distinction between the scope of proceedings under various sections such as Section 41D (which deals with suspension and removal of trustees), Section 50 (which deals with suits relating to public trusts), and Section 22 (which governs change reports and related modifications in entries of trust registers). A disposed of proceeding under Section 41D, once terminated, cannot be re-opened for the purpose of considering substantive reliefs such as

reconstitution of the Committee, which must be sought through a fresh, duly constituted proceeding invoking appropriate statutory provisions.

5. Further, the order of the Division Bench, though permitting the petitioners to move an application, does not dispense with the requirement of filing such application in accordance with the statutory framework. The liberty granted cannot be construed as creating an exception to the doctrine of finality attached to judicial orders or the limitations imposed by the statutory scheme.

6. It is therefore open to the petitioners to initiate appropriate proceedings before the Competent Authority under the provisions of the said Act, as may be advised, for the redressal of their grievances. If such application is filed, the same shall be dealt with in accordance with law, uninfluenced by the dismissal of the application impugned in the present writ petition.

7. In the result, the writ petition stands disposed of in the aforesaid terms. There shall be no order as to costs.

8. Pending interlocutory application(s), if any, stand disposed of.

**(AMIT BORKAR, J.)**