

VRJ

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

WRIT PETITION NO.5707 OF 2025

VAIBHAV
RAMESH
JADHAV

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Date: 2025.05.08
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Manohar J. Mhatre ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.5708 OF 2025

Manohar J. Mhatre ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.5710 OF 2025

Manohar J. Mhatre ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.5712 OF 2025

Manohar J. Mhatre ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION (ST.) NO.14615 OF 2025

Manohar J. Mhatre ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Drupad S. Patil with Mr. Ishwar Nankani with Mr.
Huzafa Khokhawala, Kiran Parmar and Tushar Jadhav

i/by Mr. Ishwar Nankani for the petitioner.

Mr. Rohit Joshi for respondent Nos.5 to 9 in WP/5707/2025 and for respondent Nos.5 and 6 in WP/5710/2025, WP/5712/2025, WPST/14615/2025 and for respondent Nos.5 to 10 in WP/5708/2025.

Ms. S. R. Crasto, AGP for the State in WP/5707/2025 and WP/5708/2025.

Mr. Bapusaheb Dahiphale, AGP for the State in WP/5710/2025 and WP/5712/2025.

Ms. Kavita N. Solunke, AGP for the State in WPST/14615/2025.

CORAM : AMIT BORKAR, J.

DATED : MAY 5, 2025

P.C.:

1. All these writ petitions raise a common question of law and fact. Hence, to avoid multiplicity and repetition, they are being disposed of by this common judgment.
2. The background of these petitions lies in a series of change reports filed under the provisions of the Maharashtra Public Trusts Act, 1950. Each of the change reports was taken on record by the Assistant Charity Commissioner, and the challenge to such orders in revision has been unsuccessful, giving rise to the present batch of writ petitions.
3. Change Report No. 230 of 2024 was filed to bring on record the appointment of new trustees for the period from 30 July 2008 to 29 July 2013. The said change report was accepted by the Assistant Charity Commissioner. The petitioner had preferred Revision Application No. 215 of 2024 to challenge the said

acceptance, but the same came to be dismissed.

4. Similarly, Change Report No. 231 of 2024 was filed to record the induction of *Mr. Amit Patil* as trustee upon the demise of one Mr. Vithal Mhatre. This change was also accepted, and the revision preferred against it, being Revision Application No. 216 of 2024, stood dismissed.

5. Change Report No. 232 of 2024 was filed for the next tenure, i.e., from 30 July 2013 to 29 July 2018, seeking to bring on record new trustees. The report was allowed. The challenge to the same in Revision Application No. 217 of 2024 met the same fate as the previous ones—dismissed.

6. Thereafter, Change Report No. 234 of 2024 was filed in respect of the subsequent period from 30 July 2018 to 29 July 2023, and it too was allowed. The Revision Application No. 218 of 2024 questioning the same has also been dismissed.

7. In Change Report No. 235 of 2024, *Mr. Avinash Patil* was brought in place of the earlier trustee *Ms. Maya Patil*. The acceptance of this change was also confirmed in Revision Application No. 219 of 2024, which has been rejected.

8. The common grievance raised by the petitioner in all these petitions is that the change reports were accepted without issuing notice to the petitioner and without affording him an opportunity of hearing, though he claims a legal interest in the trust affairs.

9. This grievance of the petitioner is not without merit. It is well settled that where a person claims an interest in the

administration of a public trust, he cannot be deprived of the right to be heard in proceedings that may affect such interest. The principles of natural justice demand that no order affecting rights of a person should be passed behind his back.

10. This very issue was considered by this Court in *Writ Petition No. 4221 of 2025*, wherein it was held that any change report affecting the status of trusteeship must be decided on merits only after granting due notice and fair opportunity to the affected persons. This Court by its judgment dated 15 April 2025, had remanded the change report for a fresh decision by the Charity Commissioner in accordance with law and after hearing the concerned parties.

11. In view of the above, and respectfully following the reasoning adopted in *Writ Petition No. 4221 of 2025*, the present petitions deserve to be allowed to the extent indicated below:

i. The orders dated 14 February 2025 passed in Revision Application Nos.215 to 219 of 2024 and orders dated 24 April 2024 passed in Change Report Nos.230 to 235 of 2024 except for Change Report No.233 of 2024, are hereby quashed and set aside.

ii. Change Report Nos. 230 to 235 of 2024—except for Change Report No. 233 of 2024—are restored to the file of the Assistant Charity Commissioner, Alibag. The Assistant Charity Commissioner shall decide the said change reports afresh on their own merits, in accordance with law, and only after granting an opportunity of hearing to the petitioners.

iii. In case there is any delay in filing the change reports, the application for condonation of delay, if filed, shall be decided first in accordance with law and only thereafter shall the merits of the change reports be considered.

12. The writ petitions are accordingly disposed of in the above terms. There shall be no order as to costs.

13. Any pending interlocutory applications, if any, also stand disposed of.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 8th May 2025. The corrections are shown in italicize.