

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

WRIT PETITION NO. 5861 OF 2025

Sachin Narsinh Godbole & Ors. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Ashutosh Kumbhkoni, Senior Advocate, i/by Vaibhav Gaikwad
for the Petitioners.

Ms. V. S. Nimbalkar, AGP for Respondent Nos.1 to 3-State.

**CORAM: MANISH PITALE, J.
DATE : 9th JUNE 2025**

P.C. :

. Heard Mr. Kumbhkoni, learned Senior Counsel appearing
for the petitioners.

2. By the present petition, the petitioners have challenged
impugned orders dated 27th January 2025 passed by respondent
No.3-Joint Charity Commissioner and 9th January 2023 passed by
respondent No.2-Assistant Charity Commissioner, whereby an
application for framing scheme has been rejected.

3. While the impugned order passed by respondent No.2
rejects the application essentially on procedural grounds with no
reference to the merits of the matter, the impugned order passed
by respondent No.3 makes detailed observations on the merits of
the matter, holding that the petitioners failed to make out their

case for framing of the scheme as the existing Constitution could not be said to be vague.

4. It is brought to the notice of this Court that the respondent No.3 has gone beyond the findings rendered by the respondent No.2 and given findings on merits against the petitioners, as a consequence of which, any fresh application proposed to be moved after following all procedural requirements, would be a stillborn exercise.

5. In fact, it is submitted on behalf of the petitioners that such an application has been recently moved on 16th May 2025, which according to the petitioners complies with all procedural requirements, but consideration of the same on merits would be hampered by the observations and findings rendered on merits in the impugned order passed by the respondent No.3.

6. In that context, attention of this Court is invited to contents of the original application moved on behalf of the petitioners under Section 50A(1) of the Maharashtra Public Trust Act, 1950, for framing of scheme. This Court finds *prima facie* substance in the contentions raised on behalf of the petitioners that specific reasons stated in the aforementioned application were not adverted to and therefore, the impugned order passed by respondent No.3 rendering findings on merits, deserves to be set aside.

7. In this connection, the learned Senior Counsel appearing for the petitioners specifically invited attention to documents, indicating the requirements specified by the Central Government as per the National Sports Development Code of India, 2011 in line with which the Constitution of the concerned association would have to be modified.

8. It is further brought to the notice of this Court that apart from the respondent Nos.1 to 3, there is an objector i.e. respondent No.4, who may have to be served.

9. In view of the above, issue notice for final disposal, returnable on **1st July 2025 (High on Board)**.

10. Ms. Nimbalkar, learned AGP, waives notice on behalf of respondent Nos.1 to 3.

11. In addition to the notice being served through Court, the petitioners are granted liberty to privately serve respondent No.4 and file an affidavit of service within three weeks from today.

12. Liberty is granted to the petitioner to file an additional affidavit in order to place additional documents on record, within the said period of three weeks.

MANISH PITALE, J.