

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6263 OF 2025

Vaishali Shivajirao Jondhale

.....Petitioner

Vs.

Sanket Kharsamble & Anr.

.....Respondents

Mr. Devvrat Singh, for the Petitioner.

Ms. Neha Shah, i/b. Mr. Animesh Singh, for the Respondent No.1.

Mr. B. V. Samant, Additional Government Pleader with Mrs. Tanu N. Bhatia, AGP, for Respondent No.2-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 8th JULY 2025.

P.C.:-

1. By this Petition, the Petitioner seeks quashing and setting aside of the order dated 24th January 2025, impugned herein, passed by the Respondent No.2- Joint Charity Commissioner Mumbai, in an Application made by the Respondent No.1 under Section 47 of the Maharashtra Public Trust Act, 1950 ('MPT').

2. By an order dated 27th June 2025, we issued notice to the Respondents, since the learned counsel appearing for the Petitioner, brought to our notice that the impugned order was pre-printed and

stamped on the Application. He submits that there was non-application of mind by the Authority and there was no returnable date on the printed order.

3. After perusing the order, we found that the order was indeed stamped on the Application made by the Respondent No.1 and that the same, did not even bear a returnable date. Hence, we issued notice for the limited purpose of seeking an explanation from the Authority in question, regarding the passing of the order by way of a pre-printed stamp.

4. Today, when the matter was called out, Mr. B. V. Samant, the learned Additional Government Pleader, representing the Authority brought to our notice and tendered a *Roznama* (daily case proceedings) in respect of the Application before the Authority and also drew our attention to the detailed orders and record of proceedings which were maintained by the Authority in the *Roznama*.

5. We perused the *Roznama* and found that there was a returnable date mentioned by the Respondent No.2- Joint Charity Commissioner in the said *Roznama*. Thus, there was application of

mind by the the Respondent No.2- Joint Charity Commissioner while passing the order of issuance of public notice.

6. Mr. Samant, also stated that Section 47 of the MPT Act contemplated a hearing to be given by the Authority to all the parties before appointing any eligible person as President and Vice-President of Trust.

7. Accordingly, the Respondent No.2-Joint Charity Commissioner, had directed issuance of public notice, calling upon all candidates interested in being appointed as the President or Vice-President of the Samarth Samaj Trust to file their application.

8. Mr. Samant further states that the Respondent No.2- Joint Charity Commissioner is bound to give an opportunity of hearing to all parties concerned, including the present Petitioner, before passing any order under Section 47 of the MPT Act.

9. In view of the statement made by Mr. Samant, we are not inclined to entertain the present Petition. Accordingly, the Petition is dismissed.

10. Needless to state that the Respondent No.2-Joint Charity Commissioner shall give a hearing to all parties concerned before passing any order under Section 47 of the MPT Act and he shall also decide all Applications pending before him relating to appointment of Trustee/s of the Samarth Samaj Trust.

11. It is made clear that we have not gone into the merits of the dispute and as such keep all contentions of all the parties on merits open.

12. Before we part with this order, we deem it appropriate to direct the Respondent No.2-Joint Charity Commissioner to ensure that orders are passed appropriately and not in the manner of stamping pre-printed orders on any Application/Petition.

13. Petition stand disposed off on the aforesaid terms.

14. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)