

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11825 OF 2025

Bhaurao Arjun Patil (Tungar) and ors. ...Petitioners

Versus

Gyaneshwar Ramchandra Tungar and ors. ...Respondents

Mr. Ameer Sayyed, a/w Sufyaan Mansuri and Vinayak

Pandit i/b Ajinkya Udane, for the Petitioner.

Smt. Vaishali Nimbalkar, AGP for the State – Respondent

Nos.5 and 6.

CORAM: N. J. JAMADAR, J.

DATED: 7th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order passed by the Joint Charity Commissioner, Nashik, whereby an application preferred by the respondent Nos.1 to 4 for intervention in a proceeding for removal of trustees under Section 47 of the Maharashtra Public Trust Act, 1950, has been allowed.
3. The said application was purportedly preferred under the provisions of Section 73A of the Maharashtra Public Trust Act, 1950. The learned Joint Charity Commissioner was

persuaded to allow the application by passing the following order:

“Peruse application and say filed by O.A./O.S. Heard Adv. Mujumdar and Adv. Waleej. Considering there argument, if the present application is allowed then the matter will be decided on merit. Hence, the application Ex-47 is allowed.”

4. Evidently, the impugned order is sans reasons. The only reason that can be discerned from the impugned order is that, if the application is allowed, the matter can be decided on merit. The learned Joint Charity Commissioner has not at all posed unto himself the question, as to whether respondent Nos.1 to 4 are the persons having interest in, or the beneficiaries, of the trust. The inquiry in an application under Section 73A is required to be conducted in the manner ordained Rule 7 of the Maharashtra Public Trusts Rules.

5. Reasons are the soul of the decision making process. Since the impugned order is sans reasons this Court does not consider it necessary to issue notice to the respondents and, instead considers it expedient in the interest of justice to remit the application back to the learned Joint Charity Commissioner for afresh decision in accordance with law

after providing an effective opportunity of hearing to the parties and recording reasons.

6. Hence, the petition stands allowed.

7. The impugned order stands quashed and set aside.

8. The application (Exhibit-47) preferred by the respondent Nos.1 to 4 under Section 73A of the Public Trusts Act, 1950, stands remitted back to the learned Joint Charity Commissioner for a fresh decision in accordance with law after providing an opportunity of hearing to the parties and recording the reason.

9. The petition disposed.

[N. J. JAMADAR, J.]