

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

WRIT PETITION NO.15406 OF 2025

Ajaykumar S. Yadav and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Suresh M. Sabrad a/w Mr. Amey C. Sawant, Ms. Neha Parte and
Ms. Eshwaree Kudalkar for the Petitioners.

Mr. A. I. Patel, Addl.G.P. a/w Mrs. M. P. Thakur, A.G.P. for the
Respondents-State.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 16th DECEMBER 2025

P.C. :

1. By this petition, the petitioners essentially seek a direction to the respondent No.3-Joint Charity Commissioner, Greater Mumbai Region, Mumbai, to take an appropriate decision and to pass appropriate orders on an application filed Section 47 of the Maharashtra Public Trusts Act, as directed by this Court vide order dated 30th April 2025 passed by this Court in Writ Petition (Stamp) No.12285 of 2025, within two weeks from the date of the order.

2. The grievance of the learned counsel for the petitioners is that despite the order dated 30th April 2025, directing the respondent No.3 to hear the parties expeditiously and in any event within two weeks from the date of the order, no further progress has taken place. He further submits that twice the Joint Charity Commissioner has sought six months extension vide letters dated 21st July 2025 and 21st November 2025 for no bonafide reasons.

3. Perused the papers. Paras 11 and 12 of the order dated 30th April 2025 read as under :

“11. In our opinion, it is in the interest of justice that now the Joint Charity Commissioner has already been made a reference by the Assistant Charity Commissioner, who needs to take an urgent decision under Section 47 of the Act, considering that the trust runs and manages a school.

12. We are accordingly inclined not to interfere in the impugned order. However, in disposing of this petition, we direct the Joint Charity Commissioner to consider the operative order passed by the Assistant Charity Commissioner and exercise the jurisdiction under Section 47 after hearing the parties as expeditiously as possible and in any event, within a period of two weeks from the date a copy of this order is presented before the Joint Charity Commissioner.”

4. Infact, even in para 16 of the aforesaid order dated 30th April 2025, this Court had observed that the change reports also need to be decided expeditiously and that the same be decided within four months. Admittedly, para 12 of the aforesaid order dated 30th April 2025 reproduced hereinabove, has not been decided till date. It appears that the Joint Charity Commissioner vide letters dated 21st July 2025 and 21st November 2025 sought extension of time of six months to decide the application being Application No.61 of 2025 filed under Section 47 of the Maharashtra Public Trusts Act.

5. Having perused both the aforesaid letters dated 21st July 2025 and 21st November 2025, the reasons for extension set out therein, are identical, almost cut, copy, paste. The reason given is there is a likelihood of Intervention Applications being filed in view of the oral submissions made by some of the persons/members of the trust who had appeared during the inquiry. This ground is given in the letter dated 21st July 2025 and even in the letter dated 21st November 2025. This could not be a ground for not complying with the order

dated 30th April 2025. The reasons given in both the letters seeking extension of time of six months to decide the Application No.61 of 2025 filed under Section 47 of the Maharashtra Public Trusts Act is not bonafide and lacks merit. We *prima facie* find that the Joint Charity Commissioner is simplicitor delaying the hearing of the said application, for reasons best known. Almost more than six months have lapsed from the date of the order i.e. from 30th April 2025 and none of the reports reflect the efforts/steps taken by the Joint Charity Commissioner to decide the Application No.61 of 2025. It is for the Joint Charity Commissioner to ensure that the parties co-operate in the expeditious disposal of the application by not giving adjournments. It is for the Joint Charity Commissioner to ensure that the orders passed by this Court are complied with. The reasons given in both the letters dated 21st July 2025 and 21st November 2025 are flimsy and we find no merit in the same. Hence, we are not inclined to extend the time by six months, as requested. Instead, we direct the Joint Charity Commissioner to decide the Application No.61 of 2025 filed under Section 47 of the Maharashtra Public Trusts Act, as

expeditiously as possible and in any event, on or before **8th January 2026**.

6. We make it clear that no further extension shall be granted. Needless to state that it is for the Joint Charity Commissioner to ensure that the parties co-operate in the hearing of the Application No.61 of 2025.

7. Writ Petition is allowed and disposed of in above terms.

8. If necessary, the Joint Charity Commissioner to pre-pone the date of hearing of the Application No.61 of 2025.

9. Both, learned counsel for the petitioners as well as learned A.G.P. to forthwith communicate the aforesaid order passed today to the Joint Charity Commissioner, so as to ensure compliance of the same.

10. List the petition for recording compliance on **12th January 2026.**

All concerned to act on the authenticated copy of this order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.