



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.25 OF 2020

Pradip Subhash Raut, Aged about 28 years,
Occ.: Pujari, R/o At post Soyata, Tq. and
District: Washim-444504.

... APPELLANT

VERSUS

1. Assistant Charity Commissioner, Washim
Region, Washim.
2. Shri. Rajesh Suresh Avgan, Aged: Major, Occ.:
Agriculturist,
3. Shri Sunil Pandurang Raut, Aged: Major, Occ.:
Agriculturist,
4. Shri. Mahadeo Kashiram Bhoyar, Aged: Major,
Occ.: Agriculturist
5. Shri. Nitin Ramkrishna Raut, Aged: Major,
Occ.: Agriculturist,
6. Sau. Vaishali Kishor Raut, Aged: Major, Occ.:
Agriculturist,
7. Ms. Rajkanya Vijay Raut, Aged: Major, Occ.:
Agriculturist,
8. Shri Sheshrao Narayan Raut, All Respondent
no. 2 to 8 are R/o At post Soyata, Tq. and
District: Washim-444504.
9. Raghunath Swami Sansthan Trust, PTR No.
A:732(Akola) Soyata Tahsil and District:
Washim.

... RESPONDENTS

Shri Uttam V. Chakravarty, Advocate for the appellant.

Smt. N.R. Patil, Advocate for respondent no.9.

Shri A.J. Gilda, Advocate for respondent nos. 2 to 7.

Shri M.A. Kadu, AGP for the State.

CORAM : PRAVIN S. PATIL, J.

DATE : 10.10.2025.

ORAL JUDGMENT :

1. Heard.

2. By the present appeal, the challenge is to the order dated 31.07.2017 passed by the Assistant Charity Commissioner, Washim whereby the appointment of new trustees was done, which according to the appellant is illegal.

3. After notices issued to the respondent in the matter, preliminary objection of jurisdiction is raised in the present matter. It is pointed out that by the judgment dated 08.09.1986 in Application No.328/1980, the Joint Charity Commissioner directed to frame the scheme of Shri Raghunath Swami Sansthan Soyata, Tq. Malegaon, District Akola for better and efficient management of the Trust. While issuing the directions, the two trustees were directly appointed by the order of Joint Charity Commissioner and in Clause (vi) of the operative part of the order, it is stated that Assistant Charity Commissioner, Akola shall appoint the remaining five persons as trustees in addition with the two persons.

4. In terms of the judgment of the learned Joint Charity Commissioner dated 08.09.1996, the Scheme was framed and accordingly, the working of the Trust was carried out as per the Scheme framed in the matter.

5. According to respondent no.2, initially he approached before the Joint Charity Commissioner Amravati vide his Application No.3/2016 for getting appointment as a trustee of Shri Raghunath Swami Sansthan Soyata, Tq. Malegaon, District Akola by invoking the powers under Section 47 of the Maharashtra Public Trusts Act, 1950. The learned Joint Charity Commissioner, Amravati has rejected his application by relying upon the judgment of the Joint Charity Commissioner, Aurangabad in Appeal No.128/1980, delivered on 08.09.1986 by observing that as per said order it is for the Assistant Charity Commissioner, Akola to select the five persons to be appointed as a trustee in addition to the two trustees and thereby the application filed by respondent no. 2 was rejected.

6. It is stated by the respondents that by the impugned order, the Assistant Charity Commissioner has appointed respondent nos.2 to 8 as a trustees of the Trust namely Shri Raghunath Swami Sansthan Soyata, Tq. Malegaon, District Akola in the light of powers delegated to Assistant Charity Commissioner vide judgment dated 08/09/1986, therefore, contention of respondent nos.2 to 8 is that the order dated 31.07.2017 passed by the Assistant Charity Commissioner is amenable to challenge

under Section 70 of the Maharashtra Public Trusts Act and the Forum available is having statutory powers to deal with all contentions raised in the present appeal.

7. According to the respondents as there is alternative competent forum is available to appellant to redress his grievance, the present appeal can't be entertained in the facts and circumstances of the matter.

8. I am satisfied that order passed by the Assistant Charity Commissioner on 31.07.2017 is in consonance with the directions given by the Joint Charity Commissioner in his judgment dated 08.09.1986, therefore, the appointment of respondent nos.2 to 8 can be challenged by the present appellant by invoking the powers under Section 70 of the Maharashtra Public Trusts Act.

9. In view of this, the present appeal is disposed of by granting liberty to the present appellant to approach before the Joint Charity Commissioner by invoking the powers under Section 70 of the Maharashtra Public Trusts Act. All points raised by appellant in the present appeal are kept open.

10. The Appeal stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

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