



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

WRIT PETITION NO.7890 OF 2019

PETITIONERS

(Proposed Ori. Intervenor)

- 1) Gulabsingh S/o Ramsingh Solanki, Aged about 74 yrs, Occupation- Retired
- 2) Tukaram S/o Akrur Solanki Aged about 48 yrs, Occu- Agriculturist, Both R/o at Post Kolara, Tah. Chikhali, District- Buldhana.

...VERSUS...

RESPONDENTS

(Ori. Applicants)

1. Hon'ble Assistant Charity Commissioner, Buldhana Region, Buldhana,
2. Sahebrao s/o Vikram Solanki, Aged about 63 yrs, Occu- Agriculturist, R/o Kolara, Tah. Chikhali, Dist. Buldhana,
3. Sakharam S/o Ganpatrao Solanki, Aged about 59 years, Occupation -Agriculturist,
4. Bhagwan s/o Sampatrao Solanki aged about 61 years, Occu. – Agri.
5. Laxman S/o Pundlik Solanki Aged about 61 Years, Occ.-Agri.
6. Dhondur s/o Vyankat Solanki Aged about 59 Years, Occ.Agri.

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7. Mansingh S/o Ramsingh Sapkal Aged about 79 Years, Occ.Aгри.
8. Mohansingh S/o Sidu Solanki Aged about 51 Years, Occ. Agri,
9. Bharat S/o Muktyarsingh Solanki, Aged about 59 Years, Occ.-Agri.
10. Madhukar s/o Narayan Mandalkar, Aged about 63 Years, Occu. Agri.
11. Shankarrao S/o Natthuji Borse Aged about 66 Years, Occ.Aгри.
12. Sahebrao S/o Namdev Solanki Aged about 63 Years, Occ.Aгри. Respdt. No. 3 to 12 are R/o Kolara, Tah. Chikhali, Distt. Buldhana.

Mr. A.M. Tirukh, Advocate for Petitioners.
Mr. A.A. Madiwale, AGP for Respondent/State.
Mr. P.S. Sadavarte, Advocate for Respondent Nos.2 to 4, 6 to 12.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 20/11/2025

ORAL JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned Counsels for the respective parties at the stage of admission.

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2. By the present petition, the petitioners are challenging the order dated 01.10.2019 passed by the learned Assistant Charity Commissioner, Buldhana Region, Buldhana whereby, the application at Exh.10 under Section 73(A) of the Maharashtra Public Trust Act, 1950 (for short “Act, 1950”) filed by the petitioners came to be rejected.

3. Learned counsel for the petitioners Mr. A.M. Tirukh, submits that the Temple is a Trust where petitioners worship and donate funds and therefore, as per Section 2(10) of the Act, 1950, they come into the category of interested persons. The change report was filed by the trustees wherein, petitioners filed an application under Section 73(A) of the Act, 1950 for impleading them as opponents. Learned Assistant Charity Commissioner rejected the application only on the ground that the petitioners had placed a photocopy of donation receipt. Therefore, he submits that such rejection is not sustainable.

4. Per contra, learned counsel for the respondent Nos.2 to 4 and 6 to 12 Mr. P.S. Sadavarte, submits that the Assistant Charity Commissioner has considered the matter properly. The petitioner had submitted only the photocopy and on that basis it could not be gathered whether the said donation was paid by the petitioners or not. He further submits that the petitioners had not led sufficient evidence to support

their claim and therefore, on this ground he prayed to dismiss the petition.

5. Learned AGP for the respondent/State Mr. A.A. Madiwale, supports the order passed by the learned Assistant Charity Commissioner, Buldhana.

6. I have gone through the order passed by the learned Assistant Charity Commissioner, Buldhana and also the photocopy of the donation receipt.

7. It is necessary to refer to Section 73(A) and Section 2(10) of the Act, 1950 which are as follows :-

“73A. Power of Inquiry Officer to join persons as party to proceedings.

In any proceedings under this Act, any person having interest in the public trust may be joined as a party to such proceedings on an application made by such person or such terms and conditions as the officer holding the inquiry may order.]”

“Section 2(10) “person having interest” [includes] -

(a) in the case of a temple, person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in that habit of partaking in the distribution of gifts thereof,

(b) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs,

(c) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(d) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and

(e) in the case of any other public trust, [any trustee or beneficiary]”

8. Considering the above provisions, the application filed by the petitioner is maintainable and when it was supported by a photocopy of the donation receipt from which it could be conclusively gathered that they are donors of the trust. Sufficient evidence placed on record to consider that they are persons having interest in the trust. In view thereof, I am inclined to allow the petition.

9. Hence, I pass the following order :-

ORDER

A) The Writ Petition No.7890/2019 is **allowed**.

B) Order dated 01.10.2019 passed by the learned Assistant Charity Commissioner, Buldhana Region, Buldhana is quashed and set-aside.

C) Learned Assistant Charity Commissioner, Buldhana Region, Buldhana to treat petitioners as persons having interest in the trust..

Rule is made absolute in above terms.

(**SIDDHESHWAR S. THOMBRE, J.**)