



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

WRIT PETITION NO.5072/2024

PETITIONER : Harichandra Bhasu Pawar,
Aged about – 73 years, Occu -
Agriculturist, R/o At post Januna,
Tq. Barshitakli, Dist. Akola.

...VERSUS...

RESPONDENTS : 1. Joint Charity Commissioner,
Amravati, Tq.and Dist. Amravati.

2. Assistant Charity Commissioner,
Akola, Public Trust Registration Office,
Akola, Tq. Akola and Dist. Akola.

3. Avinash s/o Kisan Rathod,
Aged about 44 years,
Occ – Agriculturist, R/o “Suman Sadan”,
Navin Vasti, Naik Nagar, Barshitakli,
Tq. Barshitakli, Dist. Akola.

4. Kisan Ranglal Pawar,
Aged about – 73 years, Occu. Retired,
R/o “Pratibha Sadan”, Krishna Nagri,
Kaulkhed, Akola, Tq. And Dist. Akola.

5. Yashodabai Kisanrao Pawar,
Aged about 63 years, Occu – Housewife,
R/o “Pratibha Sadan”, Krishna Nagri,
Kaulkhed, Akola, Tq. And Dist. Akola.

6. Madhukar Ranglal Pawar,
Aged about 66 yeas, Occu – Retired,
R/o “Harshmadhu”, Kailash Nagar,
Gaurakshan Road, Akola, Tq. And
Dist. Akola.

Mr. A.R. Deshpande, Advocate for petitioner
Mrs. D.I. Charlewar, AGP for respondent Nos.1 and 2
Mr. R.D. Karode, Advocate for respondent No.3
Mr. N.D. Khamborkar, Advocate for respondent Nos.4 and 5

WITH

WRIT PETITION NO.90/2024

PETITIONERS:

1. Vilas S/o Udaybhanji Meshram,
aged about 43 years, Occ. : Agriculturist,
R/o At Ashta Post Chincholi,
Tah. Dhamangaon Railway, Dist. Amravati.
2. Sanjay S/o Shyamraoji Shrirame,
aged about 62 years, Occ:- Agriculturist,
R/o At Vitala, Post Chincholi, Tah.
Dhamangaon Railway, Dist. Amravati.
3. Hansraj S/o Bhagwanji Jadhav,
aged about 74 years, Occ. : Agriculturist.
R/o At Ashta Post Chincholi, Tah.
Dhamangaon Railway, Dist. Amravati.

...VERSUS...

RESPONDENTS :

1. Joint Charity Commissioner,
Amravati.
2. Manoj S/o Laxmanrao Manwatkar
aged about 50 years, Occ :- Not known
R/o Sai Nagar, Akoli, Amravati, Tq.
And Dist. Amravati.
3. Khushal Sahebrao Bamnote,
aged about 33 years, Occ. :- Agriculturist,
R/o At Wadala, Post Sorta, Tah. Arvi,
Dist. Wardha.
4. Ashok Sheshrao Raut,
aged about 64 years, Occ. :- Agriculturist.

5. Deepchand Purushottam Bhende,
aged about 39 years, Occ. :- Agriculturist.
6. Pritam Rambhau Raut,
aged about 40 years, Occ. :- Agriculturist.
7. Bhimraoji Shriramji Barde,
aged about 50 years, Occ. :- Agriculturist.
8. Yogeshwar Panjabrao Raut,
aged about 45 years, Occ :- Agriculturist.
9. Umesh Sadashiv Charape,
aged about 65 years, Occ. :- Agriculturist,
R/o At Post Mendla, Tq. Narkher,
Dist. Nagpur.

4,5,6,7 and 8 All R/o :- Ashta (Wadala)
Tal. Dhamangaon Railway, Dist. Amravati.

Mr. A.R. Deshpande, Advocate for petitioners
Mrs. D.I. Charlewar, AGP for respondent No.1
Mr. Prashant Gode, Advocate for respondent No.2
Mr. R.D. Karode, Advocate for respondent No.3
Mr. N.D. Khamborkar, Advocate for respondent Nos.4 and 5

WITH

WRIT PETITION NO.5089/2024

PETITIONER : Madhukar Ranglal Pawar,
Age about 66 years, Occu. :
Retired, R/o “Harshmadhu”,
Kailash Nagar, Gaurakshan Road, Akola,
Tal. And Dist. Akola.

...VERSUS...

RESPONDENTS : 1. Joint Charity Commissioner,
Amravati, Tq.and Dist. Amravati.

2. Assistant Charity Commissioner,
Akola, Public Trust Registration Office,
Akola, Tq. Akola and Dist. Akola.

3. Avinash s/o Kisan Rathod,
Aged about 44 years,
Occ – Agriculturist, R/o “Suman Sadan”,
Navin Vasti, Naik Nagar, Barshitakli,
Tq. Barshitakli, Dist. Akola.
4. Harichandra Bhasu Pawar,
Aged about 73 years, Occu. :-
Agriculturist, R/o At Post Januna,
Tal. Barshitakli, Dist. Akola.
5. Kisan Ranglal Pawar,
Aged about – 73 years, Occu. Retired,
R/o “Pratibha Sadan”, Krishna Nagri,
Kaulkhed, Akola, Tq. And Dist. Akola.
6. Yashodabai Kisanrao Pawar,
Aged about 63 years, Occu – Housewife,
R/o “Pratibha Sadan”, Krishna Nagri,
Kaulkhed, Akola, Tq. And Dist. Akola.

Mr. Y.N. Sambre, Advocate for petitioner
Mrs. D.I. Charlewar, AGP for respondent Nos.1 and 2
Mr. R.D. Karode, Advocate for respondent No.3
Mr. N.D. Khamborkar, Advocate for respondent Nos.4 and 5

CORAM : SACHIN S. DESHMUKH, J.

Date of reserving the judgment : 11/08/2025

Date of pronouncing the judgment : 14/08/2025

J U D G M E N T :

1. Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard finally at the stage of admission.
2. The petitioners are the executive members of a society registered under the Societies Registration Act, 1860. Their status is undisputed in view of the Memorandum of Association submitted at the time of

registration in 1984. The record reveals that after the first election in 1984, no further elections have been held, and several change reports remain pending adjudication between the litigating parties.

3. Respondent Nos.3 to 5 claim to have been enrolled as life members of the society pursuant to the resolution dated 03.02.2013, which is preceded notice dated 22.01.2013 issued by the Secretary of the Trust. On this basis, contesting respondents' moved an application under Section 73-A of the Maharashtra Public Trusts Act, 1950 ("the Act"), asserting right to participate in a *suo motu* enquiry initiated under Section 41-D of the Act by the Joint Charity Commissioner, Amravati Region against petitioners.

4. The petitioners resisted application contending that contesting respondents' are not members of the Society, therefore, are not a "person having interest" under Section 2(10)(d) of the Maharashtra Public Trusts Act.

5. Per contra, learned counsel for the respondents supported the impugned order, contending that their membership is valid and are entitled to participate in the proceedings, being a person having interest in the wake of resolution passed in the meeting dated 03.02.2013, as life members along with petitioners.

6. Having heard both sides, perused record. It emerges that the petitioners' names appear in the original Memorandum of Association of

year 1984, establishing status as an executive members from inception. Nevertheless, the respondents have admitted status of petitioners while presenting response in the Enquiry No. 9/2022 before the Joint Charity Commissioner. Apart from the same, there is no election of Society after elections of year 1984. As such, claim of contesting respondents deserves no consideration. That the respondents were also enrolled in 2013 alongside the petitioners.

7. The Joint Charity Commissioner ignored these vital aspects and instead proceeded to accept contesting respondents' membership claim on the basis of the resolution dated 03.02.2013. Pertinently, in absence of authority to convene the meeting of the society. Despite a finding being rendered that the membership issue would require final adjudication in pending change reports under Section 22 of the Act. Once it is held that such determination of issue of membership requires a full-fledged judicial enquiry, there was no justification to accept contesting respondents' claim at an interlocutory stage and allow application, without awaiting final adjudication of proceedings under Section 22 of the Act.

8. Equally transposing the intervenor as an applicant, would alter fundamental character of enquiry which is a *suo motu* enquiry under Section 41-D of the Act. As such, authority has further committed error

while transposing contesting respondents' as applicants. Such transposition would impair the character of suo motu enquiry.

9. In view of the above, the Court finds that contesting respondents' can not be regarded as a "person having interest" under Section 2(10) (d) of the Act, as the issue of membership there is awaiting adjudication and not conclusively decided.

10. Resultantly, petitions deserve to be allowed and accordingly, same are allowed in terms of the prayer clause A.

Rule is made absolute in the above terms.

(SACHIN S. DESHMUKH, J.)

Later on :

At this juncture, Mr. Karode, learned counsel for the respondent No.3 has requested to stay the effect of this order. The same does not warrant consideration since the claim of respondents seeking intervention in *suo motu* enquiry is considered ignoring the issue of membership which is yet to be determined and decided finally in a judicial inquiry under Section 22 of the Act.

(SACHIN S. DESHMUKH, J.)