



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

Writ Petition No.90 of 2024

Vilas s/o Udaybhanji Meshram and others Vs. Joint Charity Commissioner and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.R.Deshpande, Advocate for petitioners.

Mr. A.A.Madiwale, AGP for respondent no.1.

Mr. Dhiraj Nikure, Adv. h/f Mr. P.A.Gode, Advocate for respondent no.2.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 07/10/2025.

1. Heard Mr. A.R.Deshpande, learned counsel for the petitioners, Mr. A.A.Madiwale, learned AGP for respondent no.1 and Mr. Dhiraj Nikure, learned counsel for the respondent no.2.

2. By the present petition, the petitioners have challenged the order dated 09.01.2023 passed below Exhibit 14 by the learned Joint Charity Commissioner, Amravati Region, Amravati, in Enquiry No.1/2023 initiated under Sections 41-D and 41-E of the Maharashtra Public Trusts Act ("Act" for short), thereby allowing the application for intervention filed by the respondent no.2.

3. Respondent no.2 herein filed an application under Section 73-A of the Act, seeking permission to intervene in the proceedings. In the application, he stated that he is a devotee, who regularly visits and worships at the temple of Shri Saint Yogi Bhikuji Maharaj. After getting knowledge about illegalities committed by trustees, he filed an application, on the basis of

which an inquiry was initiated. Consequently, proceedings under Section 41-D of the Act were initiated by the Joint Charity Commissioner.

4. The said application was resisted by the present petitioner, thereby contending that respondent no.2 is not an interested person as per Section 2(10) (a) of the Act and therefore, has no locus to participate in the proceedings and further stated that he cannot be impleaded as a party to the proceedings initiated under Section 41-D of the Act.

5. After hearing both sides, learned Joint Charity Commissioner allowed the application and permitted respondent no.2 to be added as an applicant in the said proceedings.

6. Mr. A.R.Deshpande, learned counsel for the petitioners submitted that the learned Joint Charity Commissioner failed to consider the provisions of Section 73-A of the Act and misinterpreted the same. It was contended that respondent no.2 has no direct concern with the proceedings and merely because he submitted an application, he cannot be impleaded as a party, more particularly, it was strenuously argued that respondent no.2, as an intervenor, cannot be added as an applicant to the proceedings initiated under Section 41-D of the Act. He further submitted that the learned Joint Charity Commissioner did not record any reasons demonstrating that respondent no.2 has an interest in the affairs of the Trust. Mere attendance at the temple and

performing pooja does not establish such an interest. He invited the attention of the Court to the judgment of this Court in ***Chetan Mehta Vs. State of Maharashtra and ors*** reported in 2008(6) All MR 189, particularly paragraphs, 6 and 8, wherein this Court considered Section 73-A of the Act and observed that a person having an interest in a public trust may be joined as a party to such proceedings upon making an application, but the concerned authority is required to record the reasons demonstrating that how such person has an interest in the Trust.

7. In the present case, learned Joint Charity Commissioner, after considering the application of respondent no.2 has recorded reasons explaining why his presence in the proceedings is required. The learned Charity Commissioner recorded the finding that inquiry was initiated and pursuant to that inquiry report, proceedings were instituted under Section 41-D of the Act. Therefore, it cannot be said that the Joint Commissioner failed to record reasons for allowing the application.

8. Therefore, considering this fact, I do not find any perversity in the order passed by Joint Charity Commissioner. However, the order of the Joint Commissioner needs modification to the extent that respondent no.2-applicant is added as an intervenor to the proceedings. Accordingly, to that extent, the order passed by the Joint Charity Commissioner is modified and respondent no. 2 shall be added as an intervenor and not as an applicant.

9. In view of above modification, the writ petition is disposed of. There shall be no order as to costs.

(Siddheshwar S. Thombre, J)

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