



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3595 OF 2025

ABDUL AZIZ ABDUL MAJID AND ANOTHER
VERSUS
RAFIQ AHMED ABDUL MAJID AND OTHERS

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Mr. Santosh Sampatrao Jadhavar, Advocate for the Petitioners.
Mr. K. N. Lokhande, AGP for Respondents-State.
Mr. Amol Subhash Gandhi, Advocate for Respondent No.1.
Mr. P. G. Tambade, Advocate for Respondent Nos.8, 9, 17 to 19.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 13th FEBRUARY, 2026.

P.C.:-

1. The present Writ Petition is filed with following prayers:

"B. By issuing writ of certiorari or any other appropriate writ, order or direction, the Order dated 11.01.2019 passed by the Assistant Charity Commissioner, Dhule Region, Dhule, in Inquiry Application No.505/2016, may kindly be quashed and set aside.

C. By issuing writ of certiorari or any other appropriate writ, order or direction, the Order dated 07.03.2019 passed by the Returning Officer on Objection Application filed by the petitioners dated 06.03.2019, may kindly be quashed and set aside.

D. By issuing writ of certiorari or any other appropriate writ, order or direction, the Order dated 25.11.2024 passed by the learned Assistant Charity Commissioner, Dhule Region, Dhule in Inquiry Application No.362/2019, may kindly be quashed and set aside.

E. By issuing writ of mandamus or any other appropriate writ, order or direction, the Assistant Charity Commissioner, may kindly be directed to hold fresh elections of managing committee of Trust namely Young Boys Educational and Industrial Circle, Dhule, under his supervision by appointing Returning Officer from his office after finalizing members/voters list after entertaining objections raised by all persons whose names are included in the Member's Register maintained by the Trust or who would prove their membership."

2. The election of Trust was held in accordance with order dated 11.01.2019 passed by Assistant Charity Commissioner, Dhule in C.R. No.505/2016. The Assistant Charity Commissioner given following direction:

“1. Application inquiry No. 505/2016 is allowed.

2. Office Superintendent Shri. D.S.Chourange & Inspector Shri.V.B.Patil of this office is here by directed to hold the election of public trust as per strict provisions of the constitution of the public trust namely Young Boys Education and Industrial Circle, Dhule, Tq. Dist. Dhule within four months from the date of order.

3. The office bearers /trustee/ members of public trust are here by directed to help the election of trust as per strict provisions of the constitution of the trust.

4. All the members of this trust who are shown as a member, as per list provided by applicant and opponent on record be allowed to participate in election. No any new member to be allowed to participate in election whose name is not enrolled as per membership list.

5. Names of all persons be published in the office of the trust one month prior to date of election.

6. No new member be enrolled or remove any existing member till the date of election.

7. All above are directed that they should intimate to this office regarding the date of election well in advance.

8. Parties to bear their own costs.”

3. The Change Report in respect of elections, which were conducted in pursuance to aforesaid order is filed in Enquiry Application No.362/2019. In that Enquiry Application, petitioners filed application below Exhibit-169 seeking intervention on ground

that they have been wrongly excluded from participating in election, although membership was conferred upon them. The Assistant Charity Commissioner rejected petitioners' application for intervention by order dated 25.11.2024, observing that election took place in pursuance to direction given under order dated 11.01.2019, wherein list of members, who were entitled to vote was already finalized.

4. Mr. Jadhavar, learned Advocate appearing for petitioners would submit that petitioners who are valid members of Trust would be permanently forbidden from exercising their rights, if they are not permitted to intervene in proceeding for Change Report.

5. Mr. Gandhi, learned Advocate appearing for respondents supports impugned order dated 25.11.2024.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Assistant Charity Commissioner was justified in observing that election of 2019 was conducted in pursuance to direction given under order dated 11.01.2019 in Change Report No.505/2016. The Clause No.4 of operative part specifically stipulates that members who are shown as member, as per list provided by parties therein shall be allowed to participate in election. Accordingly, Returning

Officer conducted election. Pertinently, order dated 11.01.2019 passed in Change Report No.505/2016 was not challenged by petitioners. It appears that, some other persons had raised challenge to said order in Writ Petition No.3560/2019, which was disposed on 15.03.2019. However, this Court did not disturb directions given by Assistant Charity Commissioner under order dated 11.01.2019, particularly Clause Nos.4 and 6. As such, order of Assistant Charity Commissioner had attained finality and elections were conducted pursuant to such directions.

7. Mr. Jadhavar submits that petitioners, who are members but were excluded from exercising their right to vote during election of 2019, had only remedy to agitate their claim regarding valid membership in Change Report. If they are not permitted to intervene, they would permanently lose their rights of membership in Trust.

8. The aforesaid contentions cannot be countenanced for simple reason that elections of 2019 were based on specific directions of Assistant Charity Commissioner. If petitioners have independent rights to claim their membership, they would be free to raise such dispute in any subsequent proceeding. It is not out of place to mention here that, term of elections that took place in year 2019 is already over. In case of election or Change Report for subsequent period, petitioners would be at liberty to raise claim regarding their

membership, which can be decided in accordance with law. The petitioners shall also be at liberty to seek declaration of their membership in any independent proceeding as permissible under law. In case, such claim is raised, observations made in impugned order shall not come in way of petitioners.

9. Writ Petition stands dismissed with aforesaid liberty.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2026