

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13493 OF 2025

Shivaji Laxmikant Tade And Another

VERSUS

The Joint Charity Commissioner Pune Region And Others

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Advocate for the Petitioners : Mr. Vakil Afzal Husain M.

AGP for Respondent/State : Mr. S.N. Kendre

Advocate for Respondent Nos.4 to 9 : Mr. S.S. Gangakhedkar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 23, 2026

PER COURT :-

1. The petitioners raises challenge to order dated 18.03.2024 passed by respondent no.1/Joint Charity Commissioner, Pune in Trust Application No.17 of 2022, thereby allowing application of respondents for appointment of trustees and subsequent impugned proceeding bearing Scheme Inquiry Application No.24 of 2024 pending before respondent no.2/Deputy Charity Commissioner, Ahmednagar.

2. The petitioners contend that they are legal heirs of original owners of land bearing Gat No.1207 situated at Shrigonda, District Ahmednagar. The temple namely Shri Ramache Pathar Math is situated in said land. According to petitioners, said land along with trustees was purchased by 18 Panchas of Dhangar Community of Shrigonda from original owner namely Pandurang Martand Tade. According to petitioners, he is legal heir of Roopchand.

3. Mr. Vakil, learned advocate appearing for petitioners submits that impugned order is passed behind back of petitioners. The trustees, who are appointed under impugned order dated 18.03.2024 obtained aforesaid order without disclosing right of petitioners. He would further submit that petitioners have already filed an application for intervention in Scheme Application No.24 of 2024 pending before Deputy Charity Commissioner at Ahmednagar and intends to file independent scheme.

4. Per contra, Mr. Gangakhedkar, learned advocate appearing for respondent nos.4 to 9 submits that presently in pursuance to directions issued under Section 47 of Maharashtra Public Trust Act, respondents are in-charge as trustees and application under Section 50(A)(1) of Maharashtra Public Trust Act is pending decision before learned Joint Charity Commissioner at Pune. The petitioners can put up their stand. Therefore, no interference in impugned order is called for.

5. Perusal of record indicates that application under Section 47 of Maharashtra Public Trust Act was filed by respondent nos.3 to 9 for appointment of trustees. They had proposed themselves to be trustees as previously designated trustees were dead. The learned Joint Charity Commissioner has caused inquiry into matter and found that after death of previous trustees, petitioners are actively involved in management of trust affairs. In result, decision is rendered to

appoint them as trustees considering their deep devotion and active involvement in management of temple and property. So far as right of petitioners is concerned, they would be entitled to participate in proceedings under Section 50(A)(1) of the Act which is pending before Deputy Charity Commissioner. They have already filed an application below Exhibit-5 under Section 73-A of the Act seeking their impleadment. The learned Deputy Charity Commissioner can consider the same on its own merit and pass further orders in accordance with law.

6. In result, this Court do not find any reason to cause interference in impugned order. Hence, Writ Petition stands rejected.

7. Needless to state that it shall not prejudice right of petitioners to prosecute their remedy in proceedings under Section 50(A)(1) of the Act.

(S.G. CHAPALGAONKAR, J.)