IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

WRIT PETITION NO.14225 OF 2025

1. Leelabai w/o Sukhdeo Puri,
   Age:- 75 years, Occ. Agri.,

2. Madan s/o Ramvilas Puri,
   Age:- years, Occ. Agri. & Priest. ..Petitioners
   (Orig. Petitioners)

Versus

1. The Joint Charity Commissioner,
   Aurangabad Division, Aurangabad.

2. The Assistant Charity Commissioner,
   Aurangabad.

3. Math Shri. Brahamanand Saraswati Maharaj,
   Sansthan, Pimpari Raja, Tq. & Dist.
   Aurangabad
   Through its President/Secretary. ..Respondents
   (Resp. No.2 & 3 Orig. Resp.)

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Mr. S. S. Gangakhedkar, Advocate for Petitioners.
Mr. V. M. Lomte, AGP for Respondents-State.
Mr. A. S. Kulkarni h/f Mr. J. V. Deshpande, Advocate for Respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th JANUARY, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.

2. The petitioners impugns order dated 03.10.2025 passed by Joint Charity Commissioner, Chhatrapati Sambhajinagar in Revision Application No.97/2023, whereby Revision Application filed by petitioners under section 70-A of Maharashtra Public Trust

Act, 1950 (for short 'MPT Act') against order dated 29.09.1962 passed by Assistant Charity Commissioner in Enquiry Nos.18/1961 and 1693/1961 has been dismissed.

3. The petitioners contends that "Math Shri. Brahamanand Saraswati Maharaj" has been registered as Public Trust on 29.09.1962 in pursuance to order passed in Inquiry Application No.18/1961 filed by one Panditrao Narayanrao Mahajan. In Clause No.7 of application for registration of Trust, lands purported to be donated to Trust were shown. The land Survey No.19 admeasuring 4A 18R situated at Kasaba Jalna and land Survey No.29 admeasuring 7H 91R situated at village Daregaon, Tq. and Dist. Jalna were enlisted as Trust properties. The contents of application for registration of Trust depicts that Gut No.19 is gifted by Smt. Godabai Ganpatrao and land Survey No.29 is gifted by Shri. Vishnu Satvaji. However, document in support of such gifts was not filed on record. The applications for registration of Trust were decided on 16.08.1962 and agriculture lands were registered to be Trust properties of respondent no.3.

4. According to petitioners, lands were individually purchased/owned by Brahamanand Saraswati Maharaj since year 1917. He died in year 1937. He never executed any gift in favour of Trust, which is registered in year 1962. Brahamanand Saraswati Maharaj was married. He had one son namely Sukhdev

Bramhanand. The petitioner no.1 is wife of Sukhdev Puri, whereas petitioner no.2 is grandson of petitioner no.1 and they are legal heirs/representatives of Sukhdev Puri. The petitioners have been granted heirship certificate vide order dated 19.06.2021, passed by Civil Judge Junior Division in Miscellaneous Civil Application No.87/2021. The petitioners applied for their mutation in Record of Rights of land which was standing in name of Brahamanand Saraswati Maharaj. However, it was refused citing reason of registration of land as Trust property.

5. According to petitioners, they were not aware about orders passed in Inquiry Nos.18/1961 and 1693/1961. However, when they approached Revenue Authorities for Mutation Entry, they came to know about registration of Trust and orders passed in year 1962 by Assistant Charity Commissioner. Hence, they filed Revision Application under Section 70-A of MTP Act assailing order dated 29.09.1962. The Joint Charity Commissioner refused to entertain Revision Application observing that it is filed beyond reasonable period.

6. Mr. S. S. Gangakhedkar, learned Advocate appearing for petitioners would submit that no limitation is prescribed for entertaining Revision under Section 70-A of MPT Act. The petitioners were not aware about order dated 29.09.1962 regarding registration of Trust in Inquiry Nos.18/1961 and 1693/1961. The

land Survey No.29 (present Gut No.92 situated at village Daregaon, Tq. & Dist. Jalna) was personal property of deceased Brahamanand Saraswati Maharaj. As soon as petitioners came to know about order dated 29.09.1962 regarding registration of Trust, present Revision Application is filed. He would submit that there is no material to show that properties in question were granted by way of Inam or Muntakhab in name of Trust. It continued in name of Brahamanand Saraswati Maharaj in record of rights. The right of petitioners have been seriously prejudiced due to entry of personal properties as Trust properties in pursuance to impugned order.

7. Per contra, Mr. A. S. Kulkarni, learned Advocate appearing for respondent no.3 supports impugned order. He would submit that petitioners are unconcerned with Trust as well as late Brahamanand Saraswati Maharaj. Although properties were entered as Trust properties in record of Public Trust, taking disadvantage of entry in name of Brahamanand Saraswati Maharaj, petitioners have first time obtained legal heirship certificate claiming that they are legal representatives of Sukhdev Puri, who was alleged to be son of Brahamanand Saraswati Maharaj. He would point out that heirship certificate has been issued for limited purpose i.e. for legal management of properties of deceased and it does not entitle them to transfer of properties or

valuable security. He would submit that heirship certificate is issued merely because none objected to notice issued by Court through newspaper publication in "Dainik Duniyadari", which does not have wide circulation. He would submit that powers under Section 70-A of MPT Act cannot be invoked after inordinate delay.

8. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that undisputedly petitioners are challenging order dated 29.09.1962 regarding registration of Trust by filing Revision Application in year 2023 i.e. after 60 years. The order dated 29.09.1962 has been acted upon. The landed properties, which were shown to be owned by Trust in application for registration of Trust have been recorded as Trust properties in record maintained under provisions of Bombay Public Trust Act.

9. Section 70(1) of MPT Act provides for Appeal against any order passed in Inquiry under Section 22 or findings recorded under Section 22-A or Section 28 of MPT Act. Apparently, order passed in Inquiry Application No.18/1961 is appealable. The limitation of 60 days is provided for filing Appeal. Section 70-A of MPT Act has been brought into statute book with special object. Such powers are to be sparingly used, when exercise of powers is necessary in interest of object of Public Trust or to undone fraud, manipulation of record or any such action i.e. detrimental to

interest of Trust. In case of ***Prabhakar Rao Bantwal and Others Vs. Praveen Kadle and Ors.*** (***Writ Petition No.1826/2010*** decided on ***07.04.2010***), this Court observed that where no limitation period is prescribed, authorities assigned to deal with such application has to satisfy itself that application is within reasonable period. Similarly, in case of ***Subir Kumar Banerjee & Ors Vs. Neetu Singh & Ors***[1], this Court observed in paragraph no.13 as under:

> *"13. Therefore, a Charity Commissioner may invoke jurisdiction under Section 70A in any of the cases mentioned in Section 70. While under Section 70 limitation period is prescribed, for invoking jurisdiction under Section 70A in any of the cases mentioned in Section 70, no limitation period is prescribed. It is trite that though there is no period of limitation prescribed for invoking jurisdiction under Section 70A, nonetheless such jurisdiction must be invoked or exercised within a reasonable period. There is no definition of reasonable period or what can be construed as reasonable period. What is reasonable period in one case may not be a reasonable period in another case. No fixed time frame can be prescribed to determine reasonability. Whether revisional jurisdiction under Section 70A has been invoked within reasonable time or not would have to be decided in the facts and circumstances of each case having regard to the 60 days limitation period prescribed for filing appeal under Section 70."*

10. Apparently, application has been filed by petitioners under Section 70-A of MPT Act after 60 years of impugned order, which cannot be said to be within reasonable period. The Joint Charity Commissioner observed in impugned order that land bearing Survey No.19 was declared as Trust property. There is sufficient

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1 **(2020) BCR 253.**

evidence of user of properties in question as Trust properties. Perusal of documents appended to affidavit-in-reply filed on behalf of respondent no.3 depicts that Trust was under management of Government and properties were put to yearly auction (Ek Saal Lavni). This clearly shows that use of properties in question as Trust properties were in public domain. The petitioners have not brought on record any evidence to show that properties in question were personally cultivated by Brahamanand Saraswati Maharaj or Sukhdeo Puri i.e. so called husband of petitioner no.1. The petitioners recently obtained heirship certificate claiming themselves to be legal representatives of Brahamanand Saraswati Maharaj and started litigation before Revenue Authorities claiming their right over suit property.

11. In that view of matter, this Court finds no merit in Writ Petition. Hence, stands dismissed.

12. Needless to state here, if petitioners want to establish their independent right over suit properties, they shall be at liberty to avail such alternate remedy as permissible in law.

13. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE