



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4296 OF 2026

Sharadchandra Dwarkadas Kabre
Age 82 years, Occ. Agriculture
R/o. Marwadi Galli, Erandol
Tq. Erandol, District Jalgaon
The President of Erandol
Shikshan Prasarak Manndal
Erandol, Tq. Erandol
District Jalgaon

...Petitioner

Versus

1. The Deputy Charity Commissioner
Jalgaon Region, Jalgaon
2. Shrikant Ghansham Kabre
Age 60 years, Occ. Agriculture
R/o. Marwadi Galli, Erandol
Tq. Erandol, District Jalgaon

...Respondents

- Mr. V. D. Hon, Senior Advocate a/w Mr. S. S. Kote, Advocate i/by Mr. A. V. Hon, Advocate for Petitioner
- Mr. S. R. Yadav Lonikar, AGP for the Respondents/State

CORAM : S. G. CHAPALGAONKAR, J
DATE : APRIL 21, 2026

FINAL ORDER :

1. The present Writ Petition takes exception to order dated 23.03.2026 passed by Deputy Charity Commissioner, Jalgaon, below Exhibit 53 in Change Report No. 853 of 2023, whereby the Petitioner's application for substituting him as reporting trustee has been rejected.

2. On 23.10.2023, the elections of Erandol Shikshan Prasarak Mandal, a public trust, were declared. The newly constituted committee came into power and submitted change report in terms of Section 22 of the Maharashtra Public Trust Act before Deputy Charity Commissioner at Jalgaon. The Change Report No. 853 of 2023 was submitted through reporting trustee, namely, Shrikant Ghansham Kabre. The proceeding is pending before the DCC at the stage of evidence.

3. The Petitioner filed application below Exhibit 53 contending that Mr. Shrikant Ghanasham Kabre and other trustees have been removed vide resolution dated 18.05.2025 passed during special general meeting. After removal, change report No. 475/2025 is filed and same is pending consideration. In view of this change, Mr. Shrikant Ghanasham Kabre ceased to be trustee, his authority has been withdrawn/cancelled & he cannot prosecute pending change report No. 850/2023. The Petitioner is newly appointed President, hence, he may be substituted as the reporting trustee in place of Shrikant Ghanasham Kabre.

4. The Deputy Charity Commissioner, Jalgaon rejected Petitioner's application vide impugned order dated 23.03.2026 on ground that Respondent No. 2, Shrikant Ghanashyam Kabre, was authorized to submit change report on behalf of committee elected in year 2023. Although Petitioner is contending that he has been removed

vide resolution dated 18.05.2025 passed in special general meeting, Respondent No. 2 has denied contentions.

5. Mr. Hon, learned Senior Advocate appearing for Petitioner, submitted that Respondent No. 2 has no authority to represent trustees as he has been already removed from Trust by following due process of law. Only because change report No. 475/2025 is pending regarding removal of Respondent No. 2 and others, he cannot hold authority to prosecute change report No. 850/2023 filed in respect of election of trustees held in year 2023.

6. Having considered submissions advanced by Petitioner, this Court finds that election of trustee were held in the year 2023. The Respondent No. 2 was elected as a trustee and he was given authority to report change in pursuance to the election. Accordingly, he submitted the change report No. 853 of 2023, which has reached to advance stage. At this stage, Petitioner contend that Respondent No. 2 has been removed from trust with effect from 18.05.2025, however, change report in this regard is still pending. The Respondent No. 2 has raised objection to aforesaid change and his alleged removal. Apparently, at time of reporting change of 2023, Respondent No. 2 was authorized on behalf of trustees to represent them. Whether the removal of Respondent No. 2 is valid or not is subject matter of pending change

report No. 475 of 2025.

7. In that view of matter, Petitioner cannot claim his substitution as reporting trustee by removing name of Respondent No.2. It appears that in change report No. 853 of 2023, reporting trustee has already produced his evidence and matter is posted for his cross-examination. At this stage, substitution cannot be permitted, however, as apprehended by Petitioner, if Respondent No. 2 acts against interest of trust, Petitioner being trustee would be entitled to intervene and lead their evidence, if so advised in support of change report No. 853 of 2023.

8. With aforesaid liberty in favor of Petitioner, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

Umesh