

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1388 OF 2024

Rajendra Sampatrao Shirke

...Petitioner

VERSUS

Dilip Sopan Abhang And Ors.

...Respondents

None for the Petitioner.

Mr. Rugwed R. Kinkar i/by Mr. Drupad S. Patil, Advocate for Respondent Nos.1 & 2.

Mr. Sanjay D. Rayrikar, AGP for the Respondent Nos.3 & 4 – State.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 18th FEBRUARY, 2026

P.C.

1. None for the Petitioner even at the second call. This matter is circulated by Respondent Nos.1 and 2.

2. By this Petition filed under Article 227 of the Constitution of India, the Petitioner challenges the order dated 12.07.2023 passed by the learned Assistant Charity Commissioner below Exhibit-48 in Inquiry Application No.07 of 2021, thereby rejecting the application filed by the three persons (including Petitioner) to implead them in the application as respondents under Section 73 (A) of the Maharashtra Public Trusts Act, 1950 ("Trust Act").

3. Respondent Nos.1 and 2 are respectively Chairman and Secretary of the Trust namely Mahatma Phule Education Trust, Vadni

Taluka Phaltan, District : Satara. The inquiry application bearing No.07 of 2021 is pending before the learned Assistant Charity Commissioner. The Petitioner and two others filed an application at Exhibit-48 under Section 73(A) of the Trust Act contending that they are respectable persons in the Village Vadni and they have contributed to the Trust. They have helped in various schemes implemented by the Trust. They have also extended financial help to the Trust. They have given valuable contribution while establishing the trust. They cannot tolerate the maladministration going on in the Trust. Therefore, they have decided to oppose the application and they may be impleaded as respondents in the said application. The respondent Nos.1 and 2 opposed the said application contending that the intervenors are not members or trustees of the said Trust. They have not contributed anything in the Trust, on the contrary they have caused obstruction in the development and interest of the Trust. Therefore, their application may be rejected.

4. The learned Assistant Charity Commissioner by the impugned order has rejected the application. Hence, the Petition.

5. Today, learned Advocate for Respondent Nos.1 and 2 on instructions submitted that they have no objection to allow the application at Exhibit-48 to the extent of Petitioner as the Petitioner is a member of the Trust. However, so far as other two intervenors are

concerned, according to the respondents, they are neither trustees nor members of the Trust. Hence, they have no objection to allow the Petition to the extent of Petitioner.

6. Since the Petition is filed only by the Petitioner and the two other intervenors are not party to this Petition, in view of no objection granted by the Respondent Nos.1 and 2, the Writ Petition is allowed.

7. The impugned order dated 12.07.2023 passed by the learned Assistant Charity Commissioner below Exhibit-48 in Inquiry Application No.07 of 2021 is quashed and set aside to the extent of Petitioner.

8. The Petitioner is directed to be impleaded as respondent in the Trust Inquiry Application No.07 of 2021. He be given an opportunity of hearing at the time of decision of the said application.

(NITIN B. SURYAWANSHI, J.)