

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 897 OF 2026**

Khandu Appa Pujari

....Petitioner

VERSUS

The Joint Charity Commissioner
Kolhapur Region And Others

....Respondents

...

Mr. Suryajeet Chavan a/w Mr. Ajinkya Walekar, Advocate for
Petitioner.

Mr. Sanjay D. Rayrikar AGP for the Respondents-State.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 4th MARCH 2026.

P.C.

1. The present petition raises a challenge to the order dated 16.11.2021 rendered by the Respondent No.1 - learned Joint Charity Commissioner, Kolhapur Region, Kolhapur in Revision Application No. 44 of 2018 under Section 70A of the Maharashtra Public Trust Act, 1950, arising out of order dated 18.10.2000 rendered by Respondent No.2 - learned Assistant Charity Commissioner, Sangli below Exhibit-27 in Inquiry No.769 of 2000 under Section 50A(1) of the Bombay Public Trust Act, 1950.

2. Initially, an application under Section 50A(1) of the Bombay Public Trusts Act, 1950 was filed by Respondent Nos.3 and 4 for framing of the scheme for the better and efficient management of the

trust known and designated as 'Shri Brahmnat Deo Dorli, Tal Jat, Dist. Sangli, Registered at At A-882, Sangli' (hereinafter referred to as the 'Trust'). It was contended that there were no rules and regulations for the management of the Trust and that there was ongoing mismanagement by the existing trustees.

3. The learned Assistant Charity Commissioner, Sangli/ Respondent No.2, after due inquiry and hearing, framed and settled the scheme proposed by the aforesaid respondents vide order dated 18.10.2000.

4. Aggrieved by the same, Petitioner No. 1 along with Respondent Nos. 19 and 20 herein presented Revision Application No. 44 of 2018 before the Joint Charity Commissioner, Kolhapur, contending that the order rendered by Respondent No. 2 was bad in law. It was further submitted that since the mode of succession in relation to the Trust was hereditary, Respondent No. 2 could not have appointed other trustees. Furthermore, other issues regarding the technicality and eligibility of the appointed trustees were challenged in the said revision application.

5. The Joint Charity Commissioner, Kolhapur/Respondent No. 1, after considering all aspects, partly allowed the said revision application and directed the Petitioner to approach the concerned authority by filing a Miscellaneous application and raise a challenge

to the said scheme. Resultantly, the present petition has been presented under Article 227 of the Constitution of India.

6. Learned counsel for the Petitioner submits that the order under challenge is arbitrary and against the principles of natural justice. It is further submitted that Respondent No. 1 ought to have decided the matter on merits rather than directing the Petitioner to approach Respondent No. 2. Respondent No.1./appellate authority has failed to exercise jurisdiction while passing the order under challenge, instead of deciding the issue, erred in remitting the matter and, as such, the same is liable to be quashed and set aside.

7. Learned A.G.P for the Respondents – State has supported the order under challenge and submitted that the scheme framed is in the larger interest of the Trust as well as the public.

8. Having heard the submissions from the respective sides and upon perusal of the records, indicate that the order under challenge was rendered in the year 2021, wherein the Petitioner was explicitly directed to approach the concerned authority by filing a Miscellaneous application and raise a challenge to the said scheme.

9. When confronted with regards the compliance of the said direction coupled with the aspect of delay in approaching this Court, the learned counsel for the Petitioner failed to demonstrate any sufficient and cogent reasons for the same.

10. In view of the aforesaid aspects and considering that the Petitioner has been vested with the opportunity and liberty to approach the concerned authority, as well as the unexplained delay in filing this Petition, I am not inclined to exercise the extra-ordinary jurisdiction vested in this Court under Article 227 of the Constitution of India.

11. In that view of the matter, further consideration of the petition is not warranted. Resultantly, Petition is dismissed.

12. It is made clear that this order shall not preclude the Petitioner from approaching the concerned Court pursuant to Clause-2 of the order dated 16.11.2021 rendered by Respondent No.1 - learned Joint Charity Commissioner, Kolhapur Region, Kolhapur.

(SACHIN S. DESHMUKH, J.)