

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

WRIT PETITION NO. 1132 OF 2026

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Rupesh Prabhakar Musale

... Petitioner

Versus

Assistant Charity Commissioner, Sindhudurg Region, ... Respondents
Sindhudurg and Ors.

.....

Mr. Chetan G. Patil for the Petitioner.

Mr. Shrikrishna Ganbavale a/w Mr. Umesh Samant i/b Advait Vajaratkar
for Respondent Nos. 3 to 11.

Ms. T.J. Kapre, AGP for the Respondent Nos. 1 and 2 - State.

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**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 7th MAY, 2026.

P. C. :

1. Heard Mr. Chetan Patil, learned counsel appearing for the
petitioner, Mr. Ganbawale, learned counsel appearing for respondent Nos.

3 to 11 and Ms. Tejas J. Kapre, learned AGP for respondent Nos.1 and 2.

2. By the present Writ Petition filed under Article 226 of the
Constitution of India, challenge is to the legality and validity of order
dated 29th January 2026 passed by Assistant Charity Commissioner,
Sindhudurg Division, Sindhudurg in Inquiry Application No. 22 of 2026.

3. It is the main submission of Mr. Patil, learned counsel for the petitioner that the said Inquiry Application No. 22 of 2026 has been treated by the respondent No.1 as filed under Section 41A of the Maharashtra Public Trusts Act, 1950 (for short “said Act”). It is submitted that the petitioner has no objection if the order dated 28th January 2026 passed by respondent No.1 in Inquiry Application No. 601 of 2025 is followed. However, he submits that various observations made in the impugned order dated 29th January 2026 will affect the decision to be taken pursuant to the directions issued dated 28th January 2026. He, therefore, submits that it be clarified that while complying with the order dated 28th January 2026 passed in Inquiry Application No. 601 of 2025, various observations made in order dated 29th January 2026 passed by respondent No.1 in Inquiry Application No.22 of 2026, should not be taken into consideration and the said exercise as directed by said order dated 28th January 2026 be conducted without influenced by the observations made in the said order dated 29th January 2026.

4. We have heard Mr. Ganbavale, learned counsel appearing for respondent Nos.3 to 11 yesterday. He, on instructions, stated that respondent Nos. 3 to 11 had no objection to the said course of action.

5. Accordingly, by consent of the parties, the following order is passed:-

ORDER

(i) The respondent No.2 shall conduct fresh Election of Managing Committee of respondent No.3 – Trust in accordance with the directions issued by respondent No.1, dated 28th January 2026 in Inquiry Application No. 601 of 2025, expeditiously on or before 31st August 2026.

(ii) However, it is clarified that while conducting the above exercise, various observations made in the order dated 29th January 2026 passed by respondent No.1 in Inquiry Application No.22 of 2026 should not be taken into consideration and the said exercise be carried out without being influenced by the observations made in the order dated 29th January 2026.

6. Accordingly the Writ Petition is disposed of in the above terms. The contentions of all the parties with respect of the objection to the membership of the respondent No.3-Trust are expressly kept open.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]