

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

908 WRIT PETITION NO. 1945 OF 2026
909 WRIT PETITION NO. 1946 OF 2026
910 WRIT PETITION NO. 1947 OF 2026
911 WRIT PETITION NO. 1948 OF 2026

SHRI MARUTI DEV, ISHWARPUR (ISLAMPUR), TALUKA WALVA,
DISTRICT SANGLI
VERSUS
THE JOINT CHARITY COMMISSIONER KOLHAPUR DIVISION
KOLHAPUR AND ANOTHER

...
Advocate for Petitioner : Mr. Kishor S/.Patil a/w.
Mr. Shrikant D. Patil, Mr. Arjun S. Pawar
Advocate for Respondents : Mr. S. D. Rayarikar
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 06-05-2026

PER COURT:-

1. Rule. Rule made returnable forthwith.
2. Heard finally at the stage of admission.
3. The challenge is raised in the petitions is to the orders rendered by respondent No.1 - the Assistant Charity Commissioner-II, Sangli Region, Sangli, below Exhibit-1 in Change Reports No.172, 173, 174, 175, of 2021, dated 22.03.2022, which came to be endorsed by respondent No.2 - the Joint Charity Commissioner, Kolhapur Division, Kolhapur, in Revision Application No.22, 23, 24, 25 of 2024 vide order dated 09.10.2024.

4. The petitioner is a Public Trust established in the year 1952 under the Maharashtra Public Trusts Act, 1950 (hereinafter, referred to as "Act of 1950"). The said trust through its administration undertakes and carries out various religious and charitable activities in accordance with established customs and traditions. Respondent No.1 is the Joint Charity Commissioner, Kolhapur Division, Kolhapur and respondent No.2 is the Assistant Charity Commissioner, Sangli Division, Sangli.

5. In accordance with the provisions of the scheme of the Trust, the first board of the trustees constituted of seven trustees who would hold the office for life and in the event of accrual vacancy, the remaining trustees shall appoint a suitable person amongst the devotees residing at Islampur, Taluka Walva, District Sangli.

6. On account of vacancy, the resolution for appointment of new trustees came to be passed and accordingly the respective change reports under Section 22 of the Act of 1950 for recording the changes in the Public Trust Register (PTR) came to be presented before respondent No.2. However, the same stood rejected by the orders dated 22.03.2022.

7. Aggrieved by the same, the petitioner preferred Revision Applications under Section 70-A of the Act of 1950 before

respondent No.1. However, respondent No.1 rejected the same by endorsing the orders rendered by respondent No.2. Hence, the petitioner is before this Court under Article of 227 of the Constitution of India.

8. The learned counsel for the petitioners submits that the rejection of the change report for want of prosecution is wholly unjustified, as the petitioner was prevented from producing original documents due to unavoidable circumstances during the COVID-19 pandemic, a period explicitly excluded from limitation for all judicial and quasi-judicial proceedings. The authorities below failed to adopt a fair approach and instead rejected the matter on hyper-technical and procedural grounds, erroneously concluding that the petitioner had lost interest despite the diligent pursuit of a Revision Applications. The rejection violates the principles of natural justice and has effect of paralysing the administration of the public trust, as the inability to fill trustee vacancies impairs essential religious and charitable functions. Therefore, the impugned orders are contrary to law and ought to be quashed to ensure the smooth functioning of the trust.

9. Learned A.G.P. opposed the petitions, submitting that the petitioner has displayed a lack of interest while diligently prosecuting the matter. It was obligatory to present a

comprehensive change report; however, despite being granted sufficient opportunities, the applicant failed to comply with the necessary requirements. Consequently, the learned A.G.P. supported the findings rendered by the Respondent-authorities and prayed to dismiss the Petitions.

10. Upon hearing both sides and perusing the record, it indicates that the rejection of the change report on the solitary ground of want of prosecution is unsustainable. While the learned A.G.P. contended that the petitioner failed to verify the original documents or file an affidavit in lieu of examination-in-chief, such procedural lapses must be viewed against the backdrop of the COVID-19 pandemic and the resultant restrictions.

11. It is a settled principle that substantive rights ought not be defeated by technicalities. Further, as per Clause 11 of the bylaws of the trust, the vacancies arising from death or resignation must be filled by the remaining trustees to ensure the smooth functioning of the trust. To prevent administrative paralysis and ensure the trust can effectively discharge its religious and charitable objects, the petitioner deserves a fair opportunity to rectify the noted defects.

12. In view of the above, the following order is passed:-

ORDER

- (i) The writ petitions are allowed.
- (ii) The orders rendered by respondent No.1 - the Assistant Charity Commissioner-II, Sangli Region, Sangli, below Exhibit-1 in Change Reports No.172, 173, 174, 175, of 2021, dated 22.03.2022 and orders rendered by respondent No.2 - the Joint Charity Commissioner, Kolhapur Division, Kolhapur, in Revision Application No.22, 23, 24, 25 of 2024 dated 09.10.2024, are hereby quashed and set aside.
- (iii) The petitioner shall comply with all procedural requirements and rectify shortcomings within four weeks from today; however, subject to the petitioner depositing costs of Rs.20,000/- (Rs. Twenty Thousands Only) with the High Court Advocates Bar Association, Circuit Bench at Kolhapur, within one week from today.
- (iv) Upon such compliance, respondent No.1 - the Assistant Charity Commissioner-II, Sangli Region, Sangli, to decide the application fresh bearing Change Reports No.172, 173, 174, 175, of 2021, dated 22.03.2022, with a direction to permit the petitioner Trust to place on record all the

original documents and to comply with all procedural requirements, including Circular No.356 dated 30.08.2012.

- (v) Respondent No.1- the authorities shall consider the change reports after afresh hearing the petitioner, on its own merits, uninfluenced by the observations made herein above and conclude proceedings expeditiously and in any case within six months from today.
- (vi) Rule made absolute in above terms.

[SACHIN S. DESHMUKH]
JUDGE

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