

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2835 OF 2024

Shree Vitthal Mandir Devasthan Trust & Anr.Petitioners

Versus

Dnyaneshwar Shreedhar Shinde & Ors.Respondents

Mr. L.R. Odhekar, *for Petitioners.*

Mr. Eknath R. Dhokale, *for Respondent No.1.*

Mr. Bapusaheb Dahiphale, *AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 6, 2026

ORDER :

1. After hearing the parties at some length, it is clear that the factual matrix necessary for adjudicating this Petition is rather narrow. The order impugned in the instant case is an order dated December 12, 2022, by which the Learned Joint Charity Commissioner formulated an amendment to the scheme applicable to the Petitioner in its operations. This had been preceded by consideration of a complaint made by Respondent No.1 to the Charity Commissioner's office in the form of an application dated November 20, 2020, which was filed on December 8, 2020.

2. Based on this complaint/application, the Learned Deputy Charity Commissioner issued directions to conduct an investigation, which was indeed conducted and translated into a report dated July 11, 2022. The findings in the inspection report deal with the various allegations levelled by Respondent No.1.

3. It is the Petitioner's case that in respect of all the allegations made by Respondent No.1, the findings are in favour of the Petitioner, but under the head "additional findings", a suggestion was made to amend the scheme to modify the management and operation of the Trust to a "*democratic method*".

4. In a nutshell, the inheritance-based rights of trustees were interfered with to bring in an electoral system being brought in for the management of the Trust. This is the feature of the amendment to the scheme that the Petitioners are aggrieved by. However, the grievance essentially is that after the report was filed pursuant to the investigation conducted under Section 37 of the Maharashtra Public Trusts Act, 1950 ("***the Act***"), Section 38 explicitly required an explanation to be called for, so that the person affected by any findings or suggestions in such a report is able to address the Charity Commissioner in this regard. It is an admitted position that the Petitioners were never given an opportunity of explaining their

perspective on the suggestion to change the methodology for selection of trustees.

5. Since the Petitioners were never heard about their stance on the fundamental change being brought in to the scheme, which scheme itself had been originally blessed by the Charity Commissioner, it would only be necessary to ensure that the Petitioners are given a fair opportunity of being heard on the suggestion that led to the modification of the scheme.

6. In these circumstances, this Petition is being disposed of in the following terms : -

A] The impugned order is ***set aside*** by way of ***remand***.

B] The Petitioner shall be entitled to make a representation on the additional findings and suggestions set out in the aforesaid inspection report.

C] Based on such suggestions, the Petitioners shall be given an opportunity of being heard. If the Charity Commissioner is of the view that a modification of the scheme in its governance and selection of trustees is warranted, after granting the opportunity of being heard, a reasoned order shall be passed.

7. With the aforesaid directions, the Petition is hereby ***finally disposed of***.

8. Nothing contained in this order is an expression of an opinion on the merits of whether the modification was warranted. The matter is remanded purely to ensure that the benefit of the principles of natural justice, as codified in Section 38, is indeed made available to the Petitioners.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]