IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5295 OF 2024

Gulabrao Rambhau Mahale and Ors. ... Petitioners

Versus

Prasad Pramodrao Patil and Ors. ...Respondents

CHAITANYA ASHOK JADHAV
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Mr. Kayval Prafulla Shah, *for the Petitioners.*

Mr. Vinayak R. Kumbhar *a/w Mr. Aniket S. Phapale i/b Ms. Ashwini N. Bandiwadekar, for Respondent Nos. 3, 9, 12, 13, 19, 24, 29, 42, 47, 48, 50, 53 and 56.*

Ms. P. J. Gavhane, *AGP, for the Respondent-State.*

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : January 19, 2026

Oral Judgement:

1. Rule. Rule is made returnable forthwith. By consent of parties, heard finally.

<u>Context and Factual Background:</u>

2. This Petition impugns an order dated January 29, 2024,

("***Impugned Order***") passed by the Learned Joint Charity Commissioner, Nashik Region, Nashik, rejecting an appeal filed by the Petitioner that had impugned an order dated October 19, 2022 ("***2022 Order***"), by which, the Learned Assistant Charity Commissioner rejected a proposal to formulate a scheme under Section 50A of the Maharashtra Public Trusts Act, 1950 ("***the Act***").

Remand Order:

3. The 2022 Order was passed pursuant to a remand of the matter to him by Appeal No. 11 of 2018 ("***Appeal 11/2018***") being allowed by the Learned Joint Charity Commissioner by an earlier order dated January 05, 2021 ("***Remand Order***").

2017 Order:

4. The Remand Order had been necessitated because it was found that an order dated December 02, 2017 ("***2017 Order***") passed by the Learned Assistant Charity Commissioner, (impugned in Appeal 11/2018) had allowed an application invoking Section 50A of the Act filed by two trustees, to modify the scheme governing the trust.

5. Pursuant to the 2017 Order, 13 new trustees were appointed by the Learned Assistant Charity Commissioner for a period of two

years. Prior to such induction of 13 trustees, there were 10 trustees managing the trust. The 2017 Order permitting induction of 13 new trustees resulted in a takeover of the governance of the trust. Such newly reconstituted trust enrolled 51 Life Members and 10 General Members. The concept of Life Members did not exist prior to such introduction and the 2017 Order. The Petitioners are two such Life Members.

6. Appeal 11/2018 had been filed by certain other trustees aggrieved by the 2017 Order. They had challenged the modification of the scheme and questioned the powers of the Learned Assistant Charity Commissioner to induct new trustees. The Remand Order agreed with the challenge and set aside the 2017 Order on December 5, 2021.

<u>The Petitioners:</u>

7. Both the Petitioners are Life Members who had been inducted by the reconstituted trust, pursuant to 2017 Order. Therefore, when the Remand Order was passed, the Petitioners fell in the category of persons aggrieved by the Remand Order. However, they did not challenge the Remand Order. Indeed, it is common ground that no one else challenged the Remand Order either.

Core Issue:

8. One of the prime grounds of attack to the Impugned Order is that the Petitioners have been held to be persons with no *locus* to challenge the 2022 Order. That apart, whether the Petitioners' grievance warrants intervention in exercise of discretion available in the extraordinary writ jurisdiction is an issue to be considered.

Analysis and Findings:

9. I have heard Mr. Kayval Shah, Learned Advocate on behalf of the Petitioner and Mr. Vinayak Kumbhar, Learned Advocate on behalf of the Respondent. With their assistance, I have examined the record.

10. Despite Mr. Shah's persuasive efforts at presenting the factual matrix and the legal framework, in my opinion, while the Petitioners could indeed be considered to be persons aggrieved, no case is made out for an intervention against the Impugned Order at the behest of the Petitioners.

11. The Petitioners had been inducted as Life Members pursuant to the 2017 Order, which came to firmly set aside by the Remand Order. Neither the Petitioners, nor any of the inducted trustees who introduced the concept of Life Members, challenged the Remand Order. In the

remanded proceedings, where the original Section 50A application was considered upon the remand, the Petitioners chose not to intervene. Mr. Shah would contend that the Petitioners were entitled to trust the original applicants to pursue the application to the best of their ability, and the Petitioners need not have intervened.

12. In my opinion, while Mr. Shah may make a dent with the proposition that the Petitioners could be regarded as persons aggrieved, in my opinion, when the Remand Order was passed and attained finality, the Petitioners' role faded and paled into insignificance. The issues involved were the quality of the governance of the trust and whether a scheme needed to be formulated under Section 50A of the Act. Once it was held in the Remand Order that the Learned Assistant Charity Commissioner had no power to induct trustees, the Petitioners' role in the trust was completely undermined.

13. The Petitioners, having been inducted into life membership by the inducted trustees, whose induction had been held to be untenable, it would follow that the very foundation on which the Petitioners had even a look-in into the trust was effaced.

14. That the Learned Assistant Charity Commissioner had no power to induct the trustees became final with the Remand Order

attaining finality. It is such trustees who brought in the concept of life membership whose very appointment stood effaced. Such trustees to have chosen not to challenge the Remand Order. Therefore, the Petitioners, the beneficiaries of life membership, introduced by trustees whose very place at the table in the governance of the trust was removed, do not constitute persons with strong interests in the trust for the discretion to exercise the extraordinary writ jurisdiction to be put in motion.

15. The Petitioners could have indeed been aggrieved by the Remand Order. However, they chose not to challenge it. The Petitioners did not seek to participate in the remanded proceedings either. Curiously, upon the remanded proceedings culminating in the 2022 Order, which resulted in a scheme not even being considered necessary under Section 50A of the Act, the Petitioners can hardly claim an injury from the decision not to formulate a scheme.

16. Seen in this light, no fault can be found with the Impugned Order, to necessitate this Court's intervention. The Petitioners' interest in the trust began with their induction as Life Members. This was for a temporary period between the 2017 Order and the Remand Order. Their very introduction into the life membership was based on the

actions of the newly inducted trustees, whose very right to be so inducted was brought to an end by the Remand Order.

17. Therefore, the Petitioners are one step removed from having any role or interest in the affairs of the trust. Whether the trust's governance warrants a modification to a scheme, was the subject matter of the 2022 Order. By that time, the Petitioners' role and interests had been thoroughly undermined. The 2022 Order was passed in October 2022 while the Petitioners' appeal was filed in September 2023.

18. A bare perusal of Section 70(2) of the Act would indicate that no appeal would be maintainable after the expiry of 60 days from the passing of the order by which a person perceives a cause of action to pursue an appeal. Even if one were to import the principles under Section 5 of the Limitation Act, 1963 for condonation of delay, the Petitioners should be in a position to explain why they waited this long. When benchmarked with the Remand Order, the Petitioners have sought to claim their perceived entitlements nearly three years late.

19. It is in this backdrop, that, in my opinion, my disinclination to interfere with the affairs of the trust at the Petitioners' request is justified. Persons whose interests stood undermined way back in January 2021, chose to file an appeal after waiting and watching the

outcome in the 2022 Order, and holding off for one more year. In this context, it is pertinent to note that no temporarily-inducted trustee or other person has initiated any proceedings challenging the 2022 Order.

20. It is well settled that the discretion in the writ jurisdiction is not necessarily to be deployed to correct every perceived wrong. For the reasons set out above, in my opinion, does not make out a reasonable case for interfering in exercise of the writ jurisdiction to let the trust continue to be embroiled in litigation by interfering with the Impugned Order.

21. In the result, this Writ Petition is ***dismissed***. No costs.

22. Rule is discharged in the above terms.

23. 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.]