

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12943 OF 2024

Ashok Daulatrao Goray & Anr

...Petitioners

Versus

Gajanan Devidas Nage & Ors

...Respondents

WITH

INTERIM APPLICATION (ST) NO. 25292 OF 2025

IN

WRIT PETITION NO. 12943 OF 2024

Mr. Nikhil Mishra, a/w Shravan Purohit, for the Petitioners.

**Mr. Atul Damle, Senior Advocate, i/b Sanjukta Dey, Yash Dinde,
Rhea Rajesh, for Respondent No.1.**

Mr. S.D. Chipade, AGP for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 24, 2026

ORDER :

1. By an order dated January 8, 2026, the State was directed to file an affidavit in view of the contentions about the manner in which the reporting trustee has been changed by a handwritten order by the Learned Assistant Charity Commissioner.

2. Evidently, from the affidavit in reply, it does not appear that any notice had been given to the trustee who was to be substituted. One of the statements in the affidavit in reply filed on February 12, 2026 is

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that the procedural irregularity, if any, by not giving a hearing to the substituted trustee would not go to the root of the matter and does not vitiate or affect the merits or the validity of the decision on the application for substitution.

3. I am afraid this approach would not be appropriate. Since it is apparent that on application that had been filed, a handwritten order simply stating “allowed” has been passed, it is considered appropriate to remand the matter back to the Charity Commissioner to hear the application for substitution of trustees, after giving notice to the trustees who are sought to be substituted, and following principles of natural justice.

4. In this view of the matter, the orders impugned in this Petition are hereby quashed and set aside, leaving it to the Charity Commissioner to assign the files to an appropriate Officer with jurisdiction in the matter to consider them in accordance with law and also give a hearing to the parties affected by the application.

5. It is made clear that to whom to assign the matter is entirely in the domain of the master of the roster in the Charity Commissioner’s office and no comment is being made about the change in roster, which is also one of the facets impugned in the Petition.

6. With the aforesaid directions, the Petition is *disposed of*.
7. 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.]