

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2804 OF 2026

Shri. Shambhu Mahadev
Devasthan Trust & Ors.

..Petitioners

Versus

Vishal Vitthal Harpale & Ors.

...Respondents

Mr. Rahul Kadam a/w Mr. Vedant Babar, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATE : 16th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 02nd May 2025 passed by the learned Joint Charity Commissioner in Misc. Application No. 14/2024 whereby the proceedings came to be transferred from the file of learned Assistant Charity Commissioner-4 to learned Assistant Charity Commissioner-1.
3. The learned Joint Charity Commissioner was persuaded to allow the application as by an earlier order in Miscellaneous Application No. 36/2023, certain other proceedings in relation to the said trust were transferred to the file of learned Assistant Charity Commissioner-1 for disposal in accordance with law.
4. Mr. Kadam, the learned Counsel for the petitioners, fairly submitted that, the first order of transfer dated 06th February

2024 was not assailed by the petitioner. However, Mr. Kadam would urge, by the impugned order, the other proceedings have been transferred in a mechanical manner.

5. The Court finds that, the basis of the impugned order is the first order of transfer dated 06th February 2024. Generally, it would be in the fitness of things that, the proceedings in relation to one trust are heard and decided by the same authority.

6. The grievance of Mr. Kadam is that, on the basis of the said orders, a fresh transfer application is filed before the learned Joint Charity Commissioner by the persons whose application for intervention under Section 73-A has yet not been allowed by the learned Assistant Charity Commissioner.

7. In a situation of the present nature, where the earlier transfer of the proceedings was ordered on the basis of apprehension expressed by the applicant therein, the said order cannot be used as a precedent for allowing transfer of all other subsequent proceedings without examining the necessity and justifiability of transfer.

8. The Writ Petition thus stands disposed with a clarification that, the fresh transfer application(s) shall be decided by the learned Charity Commissioner on its/their own merits and in

accordance with law, without being influenced by the earlier orders of transfer.

[N. J. JAMADAR, J.]