

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

WRIT PETITION NO. 1371 OF 2026

Mahesh Waman Pilankar ..Petitioner
Versus
Rupesh Gaikwad and Ors ...Respondents

**WITH
WRIT PETITION NO. 1375 OF 2026**

Mahesh Waman Pilankar & Ors. ..Petitioners
Versus
Vijay Sudam Todankar and Ors ...Respondents

Mr. R. S. Apte, Sr. Advocate, Ms. Dhanashree Bhate, for the
Petitioner in WP/1371/2026 & WP/1375/2026.

Mr. L. S. Deshmukh a/w Mr. Ranjana Todankar, for the
Respondent No. 2 in WP/1371/2026 and for Respondent
No. 1 & 8 in WP/1375/2026.

Mr. Santosh Jadhav, for Respondent No. 6 in WP/1371/2026
& WP/1375/2026.

CORAM: N. J. JAMADAR, J.

DATE : 02nd FEBRUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.

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2. The challenge in this petition is to an order dated 01st
January, 2026 passed by the learned Joint Charity
Commissioner in Appeal No. CC/312/2025 under Section 70 of
the Maharashtra Public Trust Act against an order passed by
the learned Assistant Charity Commissioner on 15th October,

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2025 in Scheme Application No. 02/2022 whereby the learned Assistant Charity Commissioner has framed a Scheme in exercise of the power under Section 50A(3) of the Trust Act, 1950.

3. The learned Assistant Charity Commissioner while partly allowing the Scheme application has *inter alia* directed that, the petitioners shall be the trustees of the trust till the decision of the suits instituted on behalf of the Trust, mentioned in clause 4 of the said order.

4. By the impugned order the learned Joint Charity Commissioner has stayed the execution and operation of the said clause 4 of the order passed by the learned Assistant Charity Commissioner, finding it to be incongruous with other clauses of the Scheme settled by the Assistant Charity Commissioner.

5. Mr. Apte, the learned Senior Advocate for the petitioners, submitted that, under clause 6 of the Scheme which has been retained by the Assistant Charity Commissioner, the petitioners have been shown as a permanent trustees of the Trust. The impugned order has the effect of displacing the petitioners from the position of permanent trustees.

6. The learned Counsel for the Respondent No. 1, who is the contesting respondent, submits that, in accordance with the order passed by the Assistant Charity Commissioner dated 15th October, 2025, the election to fill the remaining eight posts of the trustees is being held. The election does not affect the position of the petitioners as the permanent trustees.

7. On the perusal of the election program, it becomes evident that, the Election Officer has notified the program and the Rules to elect maximum eight members of the Managing Committee (the Trustees) of the Trust. From a conjoint reading of the observations in paragraph No. 8 of the order passed by the Assistant Charity Commissioner and the Schedule-I appended to the said order, it *prima facie* appears that, the appointment of the petitioners as the permanent trustees has not been disturbed.

8. In the aforesaid view of the matter, the petition stands disposed with a clarification that, the election of eight members of the Managing Committee (Trustees) shall not affect the position of the petitioners as the permanent trustees, subject to the final outcome of Appeal No. CC/312/2025.

9. The learned Joint Charity Commissioner is requested to hear and decide the appeal as expeditiously as possible.

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10. The learned Senior advocate for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to raise all the contentions in the proceeding which may be filed after the election of the trustees before the Charity Commissioner.

11. Leave granted with liberty as prayed for.

12. The petition stands dismissed as withdrawn.

[N. J. JAMADAR, J.]