IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2893 OF 2026

Prashant Kishor Mehta ...Petitioner

Versus

Joint Charity Commissioner and ors. ...Respondents

WITH

WRIT PETITION NO. 2901 OF 2026

Charu Kishor Mehta ...Petitioner

Versus

Joint Charity Commissioner and ors. ...Respondents

Mr. Surel Shah, Senior Advocate, a/w Rashmin Khandekar, Devesh Turekar, Dikshat Mehra, Minal Chandnani, Mithilesh Chalke and Honey Chandnani, i/b Rajani Asso., for the Petitioner in WP/2893/2026.
Mr. Gaurav Joshi, Senior Advocate a/w Ameet Naik, Piyush Raheja, Madhu Gadodia, Vivek Dwivedi and Aryan Garg, i/b Naik Naik and Co., for the Petitioner in WP/2901/2026.
Mr. Joel Carlos, a/w Cherim Lapashiya and Anukul Seth, for Respondent No.3 in WP/2893/2026 and Respondent No.2901/2026.
Smt. M. S. Srivastava, AGP for the State in WP/2893/2026.
Smt. Snehal Jadhav, AGP in WP/2901/2026.

CORAM: N. J. JAMADAR, J.
DATED: 6th MARCH, 2026

Oral Order-

1. Heard the learned Counsel for the parties.

2. The challenge in these petitions is to an order dated 24th February, 2026 passed by the learned Joint Charity

Commissioner thereby issuing notice to the petitioners under Section 41D(2) of the Maharashtra Public Trust Act, 1950 ("the Trust Act, 1950").

3. The principal grievance of the petitioners, as articulated by the learned Senior Advocates for the petitioners, is that the petitioners had filed Caveat and appeared before the learned Joint Charity Commissioner, on the day the impugned order was passed, and had raised the issue of maintainability of the petition at the instance of respondent Nos.2 and 3 on the premise that respondent Nos.2 and 3 were not the persons having interest in the affairs of the Trust and yet the learned Joint Charity Commissioner passed the impugned order without examining the issue of maintainability. It was further urged that the order issuing notice under Section 41D(2) of the Trust Act, 1950 has been passed without recording *prima facie* satisfaction. The material which was produced before the learned Joint Charity Commissioner by respondent Nos.2 and 3 was not properly analyzed and on the basis of bald, vague and unsubstantiated allegations the learned Joint Charity Commissioner has issued notice to the petitioner. The observations made in the impugned order have the potential to cause collateral damage to the petitioners since the respondent

Nos.2 and 3 are the former employees of the Trust and the proceeding under Section 41D has been initiated by respondent Nos.2 and 3 *mala fide* to wreak vengeance.

4. In opposition to this, the learned Counsel for respondent Nos.2 and 3 would urge that the petitioners have not filed caveat, as alleged. By the impugned order, the learned Joint Charity Commissioner has simply issued notice to the petitioner. The material placed on record by respondent Nos.2 and 3 has been examined only for the purpose of issuance of notice. Therefore, the impugned order cannot be said to be either perverse or suffers from such legal infirmity as to warrant interference in exercise of writ jurisdiction and that too at this stage.

5. I have perused the petitions and carefully considered the submissions canvassed across the bar. This Court finds that the issue whether respondent Nos.2 and 3 are the "persons having interest" within the meaning of Section 2(10) of the Trust Act, 1950, arises for consideration. Respondent No.2 has been allegedly terminated from the service of the Trust with effect from 6th February, 2026. Respondent No.3 has purportedly resigned from the Trust on 16th January, 2026. In this backdrop, the learned Charity Commissioner would be required to first determine whether an application for removal of the Trustees under Section 41D at the instance of respondent Nos.2 and 3, the former employees, who albeit claim to be 'persons having interest' in the Trust, would be maintainable.

6. Since Mr. Prashant Mehta, the petitioner in WP/2893/2026, seems to have filed an application on 20th February, 2026 questioning the maintainability of the application for removal of the Trustees under Section 41D of the Trust Act, 1950, it would be in the fitness of things that the learned Joint Charity Commissioner decides the application questioning the maintainability of the application under Section 41D of the Trust Act, 1950, before further proceedings are taken in the said main application.

7. The learned Joint Charity Commissioner is, thus, requested to list the proceedings in Application No.6/2026 on 10th March, 2026 and hear and decide the application questioning the maintainability of the application under Section 41D, in the first instance, in accordance with law.

8. In the meanwhile, no further steps be taken in pursuance of the impugned order in Application No.6/2026.

9. If the petitioner in WP/2901/2026 has also filed an application questioning the maintainability, or file such application before 9th March, 2026, the same be also heard and decided alongwith the application of the petitioner in WP/2893/2026.

10. With the aforesaid directions, the petitions stand disposed.

[N. J. JAMADAR, J.]