

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5470 OF 2025

PETITIONER

- 1) Vilas Dhondbaji Vaidya, aged about 61 years, Occ-Retired Govt. Servant/ Jt. Secretary of the Trust, R/o. Dhapewada, Tahsil Kalmeshawar, District Nagpur.

...VERSUS...

RESPONDENTS

- 1) Shri Vilas Marotrao Thakre, aged about 54 years, Occ- Business, R/o. Dhapewada, Tah. Kalmeshwar, Distt Nagpur
- 2) Shri Prabhakar Raghunathji Ranade, aged about 69 years, Occ- Business, R/o. Dhapewada, Tah Kalmeshwar, Distt. Nagpur

Mr. P.R. Puri, Advocate for Petitioner.

Mr. A.P. Thakre, Advocate for Respondent Nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

RESERVED ON : 18/03/2026

PRONOUNCED ON : 06/04/2026

JUDGMENT :

1. RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the respective parties.

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2. By this petition under Article 227 of the Constitution of India, the petitioner challenges the orders passed by the Deputy Charity Commissioner, Nagpur dated 14.01.2021 and the Joint Charity Commissioner, Nagpur by judgment and order dated 29.08.2025 in Appeal No.07/2021, concerning the challenge to the change report with respect to the trust by the name Swayambhu Shri. Vitthal Rukmai Deosthan Trust, Dhapewada, Tahsil Kalmeshwar, Distt. Nagpur.

3. The controversy involved in the instant petition is with respect to the change report submitted by the respondents, in the wake of scheme for management and administration of the Trust by name Swayambhu Shri. Vitthal Rukmai Deosthan Trust, Dhapewada, Tahsil Kalmeshwar, Distt. Nagpur. The controversy was initiated by the proceedings filed by the petitioner under Section 22 of the Maharashtra Public Trust Act, 1950 (for short “the Act”), seeking to record changes in the Executive Committee of the Trust. According to the applicant, the change occurred due to election of the Executive Committee of the Trust held on 15.06.2016 in the General Body Meeting and by the said application under Section 22 of the Act, the change report was submitted. This application under Section 22 of the Act, was opposed by the Objectors / respondents herein and by Order dated 14.01.2021, the Deputy Charity Commissioner, Nagpur had rejected the change report.

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4. Feeling aggrieved by the said Order, the petitioner filed an appeal under Section 70 of the Act, before the Joint Charity Commissioner, Nagpur, which was also dismissed by Judgment and Order dated 29.08.2025. Both these orders are subjected to challenge by way of instant petition.

5. Advocate Mr. P.R. Puri, learned counsel for the petitioner submits that the impugned orders are passed by the Authorities below by wrongly inferring that the elections held in the year 2016 were not in accordance with the scheme of the Trust and based on the wrong inference that the issuance of the notice of the meeting by the President was illegal. By inviting attention to the Scheme framed by the Assistant Charity Commissioner, Nagpur on 08.05.2008, he submits that Clause – 19 of the Scheme empowered the President to convene the meetings and in view of death of the Secretary of the Trust, there was no requirement to have the notices issued through the Joint Secretary and thus, the meeting convened by the President cannot be faulted. He therefore, submits that the Authorities below erred in considering the true purport of Clause – 19 of the Scheme, which grants authority and power to the President to convene the meeting and therefore, the elections held pursuant to such meeting was legal and valid in all respects. He further submits that the Authorities below failed to

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consider the fact that the elections were held by following due procedure and in absence of any challenge to the elections, the change report ought to have been accepted.

6. As against this, Advocate Mr. A.P. Thakre, learned counsel for respondent Nos.1 and 2 opposed the petition and vehemently submitted that the Scheme of the Trust was framed by the Assistant Charity Commissioner, Nagpur on 08.05.2008 and the tenure of the first Board of Trustees was only for five years from the said date. On failure of the first Board of Trustees to conduct the elections within the stipulated period of five years, there was no Authority with them to conduct the elections of the Executive Committee. He further submitted that even after considering the elections held by the outgoing Trustees, the notice convening the meeting given by the President alone, without issuing notice through the Joint Secretary, rendered the meeting illegal. By inviting attention to the Clause – 19(D) of the Scheme, he submitted that in absence of Secretary, the notice of meeting ought to have been issued through the Joint Secretary and as such, the meeting convened without compliance of due procedure is rendered illegal.

7. While considering the rival contentions, it has to be seen that the change report submitted by the petitioner has not been

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accepted by both the Authorities, which have recorded the concurrent findings. It is crucial to note that undisputedly in accordance with the Scheme framed by the Assistant Charity Commissioner, the tenure of the Executive Body was for the period of five years from the year 2008 and it expired in the year 2013. It is also crucial to note that the authorities have considered the evidence on record and has observed that the reporting trustee has categorically admitted in his cross-examination that after the year 2013, the Executive Body was only a caretaker body. It is thus, clear that no elections were held even in accordance with Clause – 12 (F) of the Scheme within five years and therefore, the elections held in the year 2016, became questionable. These crucial issues regarding status of the outgoing trustees and their entitlement to conduct elections after the year 2013 became most relevant. Pertinently, after expiry of term of five years, no permission was sought either under Section 41A of the Act, or otherwise for conducting elections. The reporting trustees failed to justify their decision to conduct the elections hastily after completion of period of five years and therefore, the contentions canvassed on behalf of the respondents are found to be acceptable.

8. Apart from this, the contentions canvassed about the manner of convening the meeting by the President also needs to be
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considered in view of the Clause – 19 of the Trust. It has to be noted that Clause – 19(D), deals with the working of Joint Secretary and provides that in absence of Secretary, all the works of the Secretary would be done by the Joint Secretary. Therefore, in the event of death of the Secretary, the Scheme required that the duties of Secretary were to be performed by the Joint Secretary. The petitioner has failed to demonstrate any compelling circumstances for deviation / non-compliance with the procedural requirement to convene a meeting through Joint Secretary. In view of the fact that the term of the Executive Committee had expired in the year 2013 itself, the act of convening the meeting ought to have been done by scrupulously following the due procedure prescribed by the Scheme. In this regard, the learned counsel for the petitioner had relied upon Clause (4) of Clause-19(A) of the Scheme, which empowers the President to convene a meeting to take decision in situations of urgency when meeting is to be convened on a very short notice. Pertinent to note the important meeting to hold the elections ought to have been convened by issuing the proper notice through the Joint Secretary, particularly because the said meeting was not for conducting any urgent decision to meet any exigency of situation. Therefore, even though the meeting was convened by the President within its powers under Clause 19(A)(4) of

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the Scheme, there is nothing on record to show any compelling circumstances to deviate from the procedure and hence, the contentions of petitioner are not acceptable.

9. After giving anxious consideration to the controversy involved in the petition and the contentions canvassed on behalf of the parties, it has to be seen that both the authorities have given due consideration to the relevant factual and legal aspects. The reasons recorded by the Authorities below are based on the material available on record and shows a plausible view. It is concurrently inferred by both the authorities that the change which was reported was not valid and legal. I do not find any jurisdictional error in the impugned orders. There is no perversity in the reasons recorded by the Authorities, warranting interference under writ jurisdiction of this Court.

10. In view of above, the writ petition is **dismissed** with no order as to costs.

Rule stands **discharged** in above terms.

(PRAFULLA S. KHUBALKAR, J.)

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