



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 511 OF 2026

Smt. Sheela w/o Mohanrao Bhandarkar and others

vs.

Homeshwar s/o Rupchandji Rokde and others.

Mr. F. T. Mirza, Senior Advocate a/b Mr. Mahesh Dhandekar, Advocate for petitioners.
Mr. S.D.Abhyankar, Advocate on caveat for respondent nos. 1 and 2.
Ms T. H. Khan, Assistant Government Pleader for respondent no.23.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 20th JANUARY, 2026.

P C.

Heard learned counsel appearing for the parties.

2. In the present writ petition a challenge is raised to the order dated 08.12.2025 passed by the Assistant Charity Commissioner, Bhandara, which reads thus :

“1] The present Scheme Application Inq2. No.03/2014 is hereby rejected.

2] The trustees (Alive) who were recorded on Schedule-I of this trust prior to the entry made as per order dated 21.10.2014 are hereby directed to fill up the vacant posts of the executive committee/ governing body as per by-laws of this trust within 60 days from the date of this order.

3] The entry which was recorded on Schedule-I as per the order dated 21.10.2014 be deleted forthwith.”

3. There is no dispute that as far as Clause (1) of the operative part of the order is concerned, an appeal is provided under Section 70 of the Maharashtra Public Trusts Act, 1950 (for short, ‘the said Act’), which the petitioners have already preferred.

4. As far as Clause (2) is concerned, Mr. Mirza, learned Senior Advocate appearing for the petitioner argues that such direction can only be issued

under Section 41-A of the said Act and since the application on which the impugned order was passed, was instituted under Section 50-A of the said Act, the Clause (2) of the order is without jurisdiction.

5. We find substance in the aforesaid argument of Mr. Mirza, THE learned Senior Advocate and Mr. Abhyankar, learned Advocate, who appears on caveat, on behalf of respondent nos. 1 and 2 does not dispute the same.

6. In the circumstances, there is no dispute about the fact that while passing such order, namely Clause (2) of the impugned order, the learned Assistant Charity Commissioner has exceeded his jurisdiction and exercised the powers as available under Section 41-A in the proceedings initiated under Section 50-A of the said Act. Thus, according to us, such directions are *non est*.

7. In that view of the matter, the writ petition is partly allowed. Clause (2) of the impugned order is hereby quashed and set aside. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.