

VRJ

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

**WRIT PETITION NO.1996 OF 2025**

VAIBHAV  
RAMESH  
JADHAV

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Date: 2025.10.17  
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1 Shrishailya Sidhramayya Swami,

Age: 65 years, Occ. Agriculture,  
R/o. Yatnal, Tal. South Solapur,  
Dist. Solapur,

2 Kallappa Sharanappa Ambalgi,

Age: 50 years, Occ. Agriculture,  
R/o. Yatnal, Tal. South Solapur,  
Dist. Solapur,

3 Mhalappa Birappa Shendage,

Age: 75 years, Occ. Agricluture,  
R/o. Yatnal, Tal. South Solapur,  
Dist. Solapur

... Petitioners

**V/s.**

1 Radhakrishna Gensidha Bandgar,

Age: 29 years, Occ. Agriculture,  
R/o. Yatnal, Tal. South Solapur,  
Dist. Solapur,

2 Assistant Charity Commissioner,

Near Civil Hospital, Nath Pride,  
Solapur, Dist. Solapur

... Respondents

Mr. Ashutosh Kulkarni (through V.C.) with Mr. Akshay Kulkarni for the petitioners.

Mr. S. S. Jadhavar (through V.C.) i/by Mr. Chaitanya  
Khade for respondent No.1.

**CORAM : S. G. CHAPALGAONKAR, J.**

**RESERVED ON : OCTOBER 14, 2025**

**PRONOUNCED ON : OCTOBER 17, 2025**

**JUDGMENT:**

1. Petitioners impugn order dated 10th January 2025 passed by learned Joint Charity Commissioner, Pune, in Revision Application No.13 of 2024, thereby setting aside order dated 5th February 2024 passed by learned Assistant Charity Commissioner, Solapur, below Exhibit-9 in Change Report No.1813 of 2023, permitting impleadment of petitioners as objectors.

2. Respondent No.1 filed Change Report No.1813 of 2023 before learned Assistant Charity Commissioner, Solapur, regarding election of managing committee of trust in Annual General Meeting held on 17th October 2023 for period from 2023 to 2028. The petitioners filed an application under Section 73A of Maharashtra Public Trusts Act, 1950, seeking their impleadment as party respondents in proceeding of change report. Learned Assistant Charity Commissioner, Solapur, allowed application vide

order dated 5th February 2024 and permitted impleadment of petitioners as objectors in Change Report No.1813 of 2023.

3. Respondent No.1 assailed order dated 5th February 2024 passed by learned Assistant Charity Commissioner, Solapur, in Revision Application No.13 of 2024 before learned Joint Charity Commissioner, Pune, under Section 70A of Maharashtra Public Trusts Act, 1950, which came to be allowed by impugned order dated 10th January 2025, thereby dismissing application of petitioners for impleadment in Change Report No.1813 of 2023. Hence, this petition.

4. Mr. Ashutosh Kulkarni, learned advocate appearing for the petitioners, submits that petitioners are founder members/trustees of Kai. Vyankayya Kusayya Guttedar Shikshan and Krida Prasarak Mandal, Yatnal, Taluka South Solapur, District Solapur. The petitioners were elected as Vice President, Treasurer, and Member respectively of trust for period from 2013 to 2018. They effectively conducted the administration of trust. In the year 2016, a fraudulent Change Report No.170 of 2016 was filed by father of Respondent No.1 before learned Assistant Charity Commissioner, depicting that petitioners had resigned from trusteeship of the

trust. Said report was granted without notice to petitioners. Respondent No.1 filed another Change Report No.793 of 2020 regarding election of a new managing committee for period from 2018 to 2023 on 14th December 2021. Said change report was accepted by Respondent No.2. The petitioners have already filed a revision application before learned Joint Charity Commissioner, assailing the order of learned Assistant Charity Commissioner. The present Change Report No.1813 of 2023 has been filed for year 2023 to 2028. The petitioners got knowledge of the filing of said change report and immediately filed an application under Section 73A seeking their impleadment as party respondents.

5. According to Mr. Ashutosh Kulkarni, learned advocate, petitioners, being past trustees and members of the trust, are interested persons within the meaning of Section 2(10) of Maharashtra Public Trusts Act, 1950. Eventually, they sought impleadment under Section 73A of said Act, which was graciously allowed by learned Assistant Charity Commissioner. However, learned Joint Charity Commissioner has set aside order permitting their impleadment, observing that neither petitioners are trustees nor they are members of trust and, as such, does not fall within the

meaning of term “persons having interest”.

6. Per contra, Mr. S. S. Jadhavar, learned advocate appearing for Respondent No.1, submits that petitioners resigned from trusteeship as well as membership of trust. Their resignations were accepted, and a change report to that effect has been accepted by learned Assistant Charity Commissioner on 2nd January 2017, which clearly records resignation of petitioners. Learned Joint Charity Commissioner has rightly considered aforesaid aspects and concluded that petitioners are not interested persons, eventually, quashed and set aside the order passed by learned Assistant Charity Commissioner permitting the impleadment of petitioners.

7. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that petitioners are claiming themselves to be interested persons and seek their impleadment in proceedings of change report filed by respondent No.1, regarding election of managing committee for the period of 2018 to 2023.

8. Section 73A of Maharashtra Public Trusts Act, 1950, reads as under:

**“73A. Power of inquiry officer to join persons as party to**

**proceedings.**— In any proceedings under this Act, any person having interest in the public trust may be joined as a party to such proceedings on an application made by such person on such terms and conditions as the officer holding the inquiry may order”

9. It is, therefore, evident that impleadment in proceedings can be asked by any person having interest in the public trust.

10. Sub-section (10) of Section 2 of Maharashtra Public Trusts Act, 1950 defines the term “person having interest”, which reads thus:

**“2. Definitions.**—In this Act unless there is anything repugnant in the subject or context,—

(1) to (9) ...

(10) “person having interest” includes -

(a) in the case of a temple, person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in that habit of partaking in the distribution of gifts thereof,

(b) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs,

(c) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or participate in any religious or charitable institution under the wakf,

**(d) in the case of a society registered under the Societies Registration Act, 1860 (XXI of 1860), any member of such society, and**

(e) in the case of any other public trust, any trustee or

beneficiary,”

**11.** In present case, trust is governed by Clause (d) of Sub-section (10) of Section 2 of Maharashtra Public Trusts Act, 1950. Therefore, to seek impleadment in a proceeding, person must be a member of such a society.

**12.** Admittedly, petitioners were founder trustees and even they were Vice President, Treasurer, and Member of trust for period from 2013 to 2018. The contentious issue in this petition is whether, pursuant to Change Report No.170 of 2016, 1160 of 2016, and 1161 of 2016, petitioners’ resignation from trusteeship or even from membership of trust is endorsed.

**13.** Mr. S. S. Jadhavar, learned advocate appearing for Respondent No.1, by inviting attention of this Court to documents annexed with affidavit-in-reply, submits that proceeding, as to resolutions passed by Society, would depict that petitioners have resigned from post of trustee as well as from the membership of trust. He would further invite the attention of this Court to affidavits of Petitioner Nos.1 and 3 to contend that they acknowledged their resignation as to membership as well as trusteeship of the trust. He would further submit that in Change

Report No.170 of 2016, learned Assistant Charity Commissioner passed an order dated 2nd January 2017, accepting resolution of managing committee dated 20th August 2015 and observed about resignation of petitioners from membership as well as trusteeship of the trust.

**14.** To counter aforesaid submissions, Mr. Ashutosh Kulkarni, learned advocate appearing for petitioners, submits that change reports relate to resignation and removal of names of petitioners from the posts of trusteeship, and does not relate to their status as members. Therefore, effect of acceptance of change reports will have to be restricted to the extent of trusteeship. Consequently, petitioners would continue to be members of trust/society and, as such, would be interested persons.

**15.** Perusal of order dated 5th February 2024 passed by the Assistant Charity Commissioner, Solapur, shows that after referring to various change reports, learned Assistant Charity Commissioner recorded that petitioners are members and former trustees and, therefore, entitled to impleadment under Section 73A of the Maharashtra Public Trusts Act, 1950. However, the learned Joint Charity Commissioner, in the order passed in revision, observed



that petitioners' resignation as trustees and members was formally documented and accepted by Assistant Charity Commissioner in 2017. However, said observation appears to have been made without considering Change Report Nos.170 of 2016, 1161 of 2016, and 1160 of 2016. Prima facie, change reports were submitted for removal of the names of trustees replaced by other trustees. In this background, there are no clear findings as to whether petitioners resigned from trusteeship or from membership of trust. The copies of resignations of petitioners are not placed before this Court. The notarized affidavits alleged to have been submitted by petitioners depicting their resignation is denied by petitioners.

**16.** In that view of the matter, it would be just and proper in the interest of justice, to relegate matter to Assistant Charity Commissioner, Solapur for a fresh inquiry and to record a clear finding as to whether petitioners had resigned only from post of trustees or also from membership of society/trust after examining relevant record.

**17.** In result, following order is passed.

**: O R D E R :**

- (a) The writ petition is partly allowed.
- (b) The impugned order dated 10th January 2025 passed by learned Joint Charity Commissioner, Pune, in Revision Application No.13 of 2024 is quashed and set aside.
- (c) The matter is relegated back to learned Assistant Charity Commissioner, Solapur for consideration afresh.
- (d) Parties to appear before learned Assistant Charity Commissioner, Solapur on 3<sup>rd</sup> November 2025.
- (e) The Assistant Charity Commissioner, Solapur, shall pass orders after permitting both parties to file additional documents in support of their respective contentions and shall do so within a period of eight weeks from date of appearance of parties. Till then, further proceeding in Change Report No.1813 of 2023 be kept in abeyance.

**18.** Pending interlocutory application(s), if any, stand disposed of.

**(S. G. CHAPALGAONKAR, J.)**