

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

WRIT PETITION NO. 11528 OF 2025

Nareshwar Shikshan Prasarak Mandal
Sanaswadi, through its
Trustees – 1. Annasaheb Darekar
& Ors.

.. Petitioners

Vs.

Ld. Deputy Charity Commissioner,
Pune & Anr.

.. Respondents

...

Mr. Yuvraj Narvankar a/w Mr. Kshitij Munj, Ms. Pooja Chavan i/by
Ms. Neha Wadekar for the Petitioners.

Smt. Neha S. Bhide, Government Pleader a/w Smt. Pooja Patil, AGP
for Respondent No.1-State.

Mr. Nitin Gaware Patil a/w Shivkumar S. Jangwad for Respondent
No.2.

...

**CORAM : MAHESH CHANDRA TRIPATHI, C.J. &
ADVAIT M. SETHNA, J.**

DATE : 6th OCTOBER, 2026.

P.C. :

1. We have heard the learned Counsel for the Petitioners and
the learned Counsel for the Respondents.

2. The instant Writ Petition is preferred, *inter alia*, praying for
the following substantive reliefs: -

“(a) This Hon’ble Court may be pleased to issue writ of certiorari or any other writ or order or any direction in the nature of writ of certiorari and thereby quashing, setting aside the impugned order dt. 30.06.2025 passed by the Ld. Deputy Charity Commissioner, Pune at ‘Exh.F’ to the present petition.

(b) Consequently this Hon’ble Court may by appropriate writ direction be pleased to direct the present Karyakari Mandal i.e. Petitioners to conduct the elections for the tenure 2024 to 2029 on the basis of the membership list finalized by the Karyakari Mandal at ‘Exh.B’ to the present petition respectively.”

3. At the outset, the learned Counsel for the Respondent No.2 raised an objection qua the maintainability of the instant Writ Petition in view of the provisions under Section 70A of the Maharashtra Public Trust Act, 1950 (for short, “the Act of 1950”), whereby the Charity Commissioner can call for and examine records and proceedings before the Deputy or Assistant Charity Commissioner. As such, it is submitted that once the Petitioners are having an efficacious remedy to approach the Charity Commissioner under revision in view of Section 70A, there is no reason or occasion to bypass the statutory remedy/Forum. Moreover, the disputed facts can also be pressed before the Charity Commissioner. For ready reference, Section 70A of the Act of 1950 is reproduce hereunder: -

“70A. Charity Commissioner to call for and examine records and proceeding before Deputy or Assistant Charity Commissioner.

(1) The Charity Commissioner may in any of the cases

mentioned in Section 70, either suo motu or on application call for and examine the record and proceedings of such case before any Deputy or Assistant Charity Commissioner for the purpose of satisfying himself as to the correctness of any finding or order recorded or passed by the Deputy or Assistant Charity Commissioner and may either annul, reverse, modify or confirm the said finding or order or may direct the Deputy or Charity Commissioner to make further inquiry or take such additional evidence as he may think necessary or he may himself take such additional evidence:

Provided that, an application under this sub-section shall be submitted to the Charity Commissioner within one hundred and twenty days from the date of recording of the findings or the passing of the orders, as the case may be:

Provided further that the Charity Commissioner shall not record or pass any orders without giving the party affected thereby an opportunity of being heard.

(2) Nothing in sub-section (1) shall entitle the Charity Commissioner to call for and examine the record of any case,

(a) during the period in which an appeal under Section 70 can lie against any finding recorded by the Assistant or Deputy Charity Commissioner in such case, or

(b) in which an order has been passed in an appeal made under section 70.”

4. Confronted with the aforesaid situation, learned Counsel for the Petitioners submits that, in view of the law laid down by the Division Bench of this Court, Nagpur Bench, in ***Vanmala Manoharrao Kamdi & Ors. v. Deputy Charity Commissioner, Nagpur & Ors.***¹ the Petitioners are still entitled to pursue the instant Writ Petition. However, in the event the matter is relegated under Section 70A of the Act of 1950, the Respondents

¹ 2012 (3) Mh.L.J. 594

may be restrained from raising an objection before the Charity Commissioner that such proceedings are not maintainable. The said course is voluntarily accepted by learned Counsel for the Respondents.

5. Lastly, it is contended that there is every likelihood of the Petitioners being subjected to civil imprisonment tomorrow. We find that the substantial rights of the Petitioners would be protected if they approach the Charity Commissioner within one week, along with an Application for Stay. We expect the Stay Application shall be considered by the Charity Commissioner in further six weeks' time and the Revision be decided on its own merits and in accordance with law. Until the disposal of the Stay Application, in the interest of justice, parties shall maintain status quo as on today.

6. In view of the above, the instant Writ Petition stands Disposed Of.

[ADVAIT M. SETHNA, J.]

[CHIEF JUSTICE]

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