



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6132 OF 2026**

Wider Church Ministers, through
its trustee Rober Moses and Ors. ... Petitioners
versus
D.G.Bhambal ... Respondent

Mr. Surel Shah, Senior Advocate with Mr. Chaitanya Nikte, Mr. Shubhankar Kulkarni, Mr. Tanmay More, Mr. Prajit Sahane, for Petitioner.
Mr. Rajendra V. Pai, Senior Advocate with Mr. Alaukik R. Pai i/by Mr. Suryajeet N. Ravrane for Respondent.
Mr. Sachin Hande, for Intervener.

**CORAM: N.J.JAMADAR, J.
DATE : 4 MAY 2026**

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 13 April 2026 passed by the learned Joint Charity Commissioner, Mumbai in Appeal No.42 of 2020 preferred by the Petitioner No.1 and another against an order dated 6 December 2019 passed by the Assistant Charity Commissioner in Change Report No.1735 of 2007, whereby the Change Report was accepted as an uncontested report.
3. Mr. Shah, learned Senior Advocate for the Petitioners, invites the attention of the Court to the other Change Reports filed by the Petitioners and the reporting trustees, reporting change in the trustees of the Trust immediately before the Change Report filed by the reporting trustees in

Change Report No.1735 of 2007. It was submitted that the learned Assistant Charity Commissioner has accepted the Change Report without conducting a judicial inquiry.

4. Mr. Pai, learned Senior Advocate for the Respondent, countered the submissions on behalf of the Petitioner. It was submitted that the Joint Charity Commissioner had examined all the contentions raised on behalf of the Appellants and negated them by ascribing justifiable reasons. The tenability of the Petition at the instance of the Petitioners was also questioned.

5. Prima facie, it appears that in close proximity to the time at which Change Report No.1735 of 2007 was filed, a couple of Change Reports were also filed. The learned Assistant Charity Commissioner proceeded to decide Change Report No.1735 of 2007 while other Change Reports await adjudication. It is trite, an inquiry under Section 22 of the Maharashtra Public Trusts Act, 1950, is a judicial inquiry. A useful reference can be made to the decision of this Court in the case of **Jagatnarayansingh Swarupsingh Chithere and Ors. V/s. Swarupsingh Education Society and Anr.**¹, wherein the following observations were made :

“8. Therefore, though prima facie it appears to be a mere change, the scheme of the Act contemplates qua the change under consideration an inquiry of a Judicial character with an appeal therefrom to the Charity Commissioner and a further application under

1 1980 Mh.L.J. 372

section 72 to the District Judge and yet another appeal therefrom to the High Court against which appellate judgment of the High Court, a still further appeal may, in a given case, lie under the letters patent. Such being the Judicial scrutiny and the extensive grant of the inquiry under section 22 of the Act, it is obvious that this inquiry can not be a mere factual process or one purely formal in nature. Investigation into the legality and validity of the change is implicit. The inquiry is a judicial process pertaining the character of judicial adjudication. An elemental perquisites or the minimal requirement of a judicial inquiry and a judicial process is compliance with the principles of natural justice. These principles, though not embodies rules, constitute none the less an important facet and pivot of the judicial process. Inquiry behind the back of an aggrieved party is best avoided lest it stands vitiated. One affected must be noticed an heard. Basic lacuna in that respect may well render the inquiry and or the order therein almost non est at least qua the aggrieved absent party left unheard and, therefore, unheeded.”

6. Whether the Assistant Charity Commissioner has conducted a judicial inquiry before accepting the Change Report No.1735 of 2007, arises for consideration.
7. Issue Notice to the Respondent, returnable on 17 June 2026.
8. Mr. Pai waives service of notice on behalf of Respondent.
9. The Respondent is at liberty to file an affidavit in reply on or before 10

June 2026 and serve its copy on the Petitioners.

10. In the meanwhile, there shall be an interim relief in terms of prayer clause (c) of the Petition.

(N.J.JAMADAR, J.)