

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12871 OF 2022

F. N. Social Education Medical Charities .. Petitioner
Trust

Versus

Pune Municipal Corporation and anr .. Respondents

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Adv. Malhar Zatakia a/w Adv. Shantanu Shetty i/b Adv. Sangram Chinnappa, for the Petitioner.

Mr. Ashutosh Kumbhakoni, Senior Advocate, a/w Adv. Manish Kelkar, Adv. Gauri Phadake, for Respondent No.2.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 16th APRIL, 2026

P.C:-

1. In light of the preliminary objection raised by the learned Senior counsel, Mr. Kumbhakoni, appearing for Respondent No.2, and which was set out by us in our previous order, we have heard the learned counsel for the Petitioner.

The Petition is filed by F.N. Social Education Medical Charities Trust through its trustee, Mr. Lazarus Chinnappa, and the objection of Mr. Kumbhakoni is very specific; that the Petition is not accompanied with any authorization from the Trust or any resolution passed by the Trust authorizing Mr. Lazarus Chinnappa to file the writ petition. It is also urged that not a single document is annexed

along with the Petition reflecting that, when the writ petition is filed in the year 2022, Mr. Lazarus Chinnappa was the trustee whose name was recorded in the schedule of the Public Trust, reflecting the name of its trustees.

2. Since, we called upon the Petitioner to establish his locus, the learned counsel has placed before us the sequence of events, reflecting the change reports which were filed in regard to F.N. Social Education Medical Charities Trust, and the proceedings that are pending arising out of the change reports.

3. Based upon the list of change reports which are placed before us, it can be discerned that the Change Report No.1095 of 1995 was filed pursuant to a resolution being passed by the Trust on 14/10/1994, when Mr. Lazarus Chinnappa, along with other trustees, were appointed. The change report in that regard was filed in the year 1995, and on 18/10/1999, an order was passed by the Deputy Charity Commissioner accepting the change report.

Mrs. Yasmin Sayyed, allegedly staking her claim on the basis of her will, filed an appeal challenging the change report, which was numbered as Appeal No. 144 of 2016. Worth it to note that Mrs. Yasmin Sayyed is the predecessor in title of Respondent No.2, and this appeal was dismissed on 03/02/2026. As a consequence, the Change Report No. 1095 of 1995 is upheld.

4. Next in the sequence comes a change report dated 03/05/1997, which was allowed by the Deputy Charity Commissioner on 04/03/2000, raising a challenge to the acceptance of the change report without issuance of notice to the existing trustees, when

Mr. Lazarus Chinnappa became aware of these proceedings somewhere in July 2021, he filed an appeal accompanied with an application for condonation of delay. The delay was condoned, and the appeal was numbered as Appeal No. 143 of 2022, and the appeal was dismissed on 25/02/2026 on the ground of delay, despite the delay having been condoned.

The order was taken up before this Court in WP No.4288 of 2026, and by order dated 6/04/2026, the learned Single Judge of this Court restored Appeal No.143 of 2022 to the file of Deputy Charity Commissioner, Pune, to be decided on merits.

5. The next change report in the chain of reports is Change Report No. 1211 of 2002, and this report, according to the Petitioner, was filed by some unauthorised persons, but Mr. Lazarus Chinnappa marked his appearance *suo moto* and filed his opposition, and this change report is pending, but the person who filed the change report has demised during the pendency of the change report.

Then comes the Change Report No. 971 of 2013, based upon the resolution dated 14/10/2012, passed by the Trust appointing some additional trustees, but the name of Mr. Lazarus Chinnappa was retained in the list of trustees, and the report forwarded to the Deputy Charity Commissioner, Pune region is under the signature of Mr. Lazarus Chinnappa, which make reference to the resolution adding 10 trustees in addition to the existing trustees.

This Change Report is filed on 29/04/2013 and Mrs. Yasmin Sayyed filed an application for intervention, which was allowed on 09/01/2023. Being aggrieved by the order allowing the intervention

application, the Petitioner has filed an appeal before the Deputy Charity Commissioner, which is numbered as Appeal No. 1 of 2023, and the same is pending.

In the sequence of events, the last one to be referred is Change Report No. 1164 of 2024, based on the resolution dated 14/02/2024, passed by the Society appointing new trustees and it is the claim of Mr. Lazarus Chinnappa, that his name is retained in the list of trustees, and this change report is pending for consideration.

6. In the sequence of events which is placed before us, though we may not be in a position to conclusively determine whether Mr. Lazarus Chinnappa continued to be the trustee of the Petitioner, as this conclusion will have to be based upon the culmination of the proceedings, which are already pending in form of appeal /counter appeal, as it can be seen that the inclusion of Mr. Lazarus Chinnappa or his claim that he is a trustee is opposed by Mrs. Yasmin Sayyed, who is the predecessor in title of Respondent No.2, and therefore, at this stage, we do not intend to render any finding as to whether Mr. Lazarus Chinnappa was the trustee on the date of filing of the Petition and whether he is a trustee as on today, as barring the Change Report No. 1095 of 1995, which has attained finality, wherein Mr. Lazarus Chinnappan is accepted to be the trustee, the subsequent change reports are pending for consideration.

7. However, when we come to the issue as to locus of the Petitioner to raise a challenge to the impugned order passed by the City Engineer of the Pune Municipal Corporation, where a contest was raised once again by Mr. Lazarus Chinnappa and the Corporation ruled upon the objection raised on behalf of the Trust by clearly

recording a finding that there was no misrepresentation of facts regarding the document of ownership produced by M/s Goel Ganga India Pvt. Ltd. when they submitted an application seeking permission for development, and further clarifying that the Status quo order granted by the Joint Charity Commissioner is valid and no construction activity is carried out by Goel Ganga India Pvt. Ltd. in violation of the same. In the interest of justice, we are of the view that the Petitioner trust being represented through Mr. Lazarus Chinnappa, definitely has interest in the subject matter though as indicated, we do not render a finding that Mr. Lazarus Chinnappa is the trustee on the date of filing of the Petition or as on today and in future when we determine the said issue.

However, as far as writ jurisdiction is concerned, even a person, who is interested in the subject matter and allege that his rights are violated, he is entitled to invoke the jurisdiction and on this count, we deem it appropriate to entertain the Petition filed by the Petitioner Trust through Mr. Lazarus Chinappa, who claim to be a trust as we intent to examine the validity of the impugned order on its merits.

8. In the wake of the aforesaid, we deem it appropriate to issue fresh notice to the Pune Municipal Corporation i.e. Respondent No.1, as despite notice being issued, no appearance is marked on its behalf. We permit the Pune Municipal Corporation to file its affidavit in reply within a period of four weeks from today, with liberty being granted to the Petitioner to file rejoinder within a period of two weeks thereafter.

We also permit Respondent No.2 to file an affidavit dealing with the Petition on its merits.

List the Petition on 22/06/2026.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)