

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 11287 OF 2026

Kumar Chintaman Ketkar & Ors.

... Petitioners

V/s.

**Charity Commissioner,
Maharashtra State, Mumbai & Ors.**

... Respondents

Mr. Atul Damle, Senior Counsel, **Mr. Nirav Shah i/b. Mr. Swarup Patil** for
Petitioners.

Ms. Nazia Sheikh, learned AGP for Respondent nos. 1 & 4. – State.

CORAM : FARHAN P. DUBASH, J.

DATE : 8th APRIL 2026

P. C.:

1. The present Writ Petition impugns an order dated 13th March 2026, passed by the Charity Commissioner, Maharashtra State, Mumbai / Respondent no. 1 in which a series of directions have been passed, including *inter alia* staying the Elections – 2025 to the Asiatic Society of Mumbai / Respondent no. 2 that were scheduled to be held on 14th March 2026; appointing a '*fit person*' to conduct and carry out the day-to-day administration of Respondent no. 2 Society together with a few named managing committee members and other directions.

2. The main grievance of the Petitioner is that the impugned order

is passed in Miscellaneous Case no. 32 of 2026 which is stated to have been instituted on the basis of some Inspector Inquiry Report no. 3 of 2026. The Petitioner asserts that no details and/or particulars of this Report were provided by Respondent No. 1 to Respondent no. 2 Society and/or its managing committee members. In fact, the Petitioner asserts that no notice was also given to them prior to the impugned order being passed. Instead, he submits that a notice dated 11th March 2026 was addressed by Respondent no. 1 to the Election Officer who was appointed to carry out/supervise the Elections – 2025 to the Respondent no. 2 Society requesting his presence on the following day and the very next day, viz. on 13th March 2026, the impugned order of 50 pages came to be passed by Respondent no. 1.

3. To this, Ms. Nazia Sheikh, learned AGP who appears on behalf of the Respondent nos. 1 & 4 is unable to respond and instead, seeks time to take instructions from her client and file an affidavit-in-reply, if so desired by them.

4. In the circumstances, this Court is *prima facie* satisfied that there is some merit in the submissions of the Petitioner inasmuch as, principles of natural justice appear to have been violated by Respondent no. 1 whilst passing the impugned order without the knowledge and/or prior notice to Respondent no. 2 Society and/or its Managing Committee and/or without affording them an opportunity of being confronted with the said Report and

permitting them to put in a response thereto.

4. Place the present Writ Petition for further consideration on **16th April 2026**. Till then, the operation, implementation and effect of the impugned order dated 13th March 2026 passed by Respondent No. 1 shall be stayed.

(FARHAN P. DUBASH, J.)

Ajay Jadhav