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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO. 13406 OF 2025

Prafulla Prakash Rathod

VERSUS

Allabaksh Abdul Razzak And Others

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Mr. R.S. Deshmukh, Senior Advocate i/b Mr. Amol R. Joshi, Advocate for Petitioner

Mr. P.R. Katneshwarkar, Senior Advocate i/b Mr. S.V. Janakwade, Advocate for Respondent No.1

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 21 NOVEMBER, 2025

PER COURT :-

1. Heard the learned Senior Advocate Mr. Deshmukh instructed by Mr. Joshi, learned advocate for the petitioner and the learned Senior Advocate Mr. Katneshwarkar instructed by Mr. Janakwade, learned advocate for respondent No.1. It can be seen that the matter was earlier filed before the Hon'ble Single Bench, and by order dated 11.11.2025, the concerned Bench directed that the matter be placed before the Division Bench. It appears that affidavit-in-reply has been filed by respondent No. 1. Notice to the other respondents has not been issued.

2. The urgency that has been stated is that as per the impugned order dated 20.10.2025 in Inquiry Application No.848 of 2025 passed by Deputy Charity Commissioner, Nanded Region, Nanded, the elections are scheduled on Sunday i.e. on 23.11.2025.

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3. The factual situation that has been stated is that on the same day i.e. on 20.10.2025, the same Commissioner rejected both the change reports i.e. Inquiry Nos. 1212 of 2025 and 1213 of 2025. It has been tried to submit that on behalf of the petitioner that the Inquiry Application No.848 of 2025 was filed under Section 41-A of the Maharashtra Public Trust Act and in the impugned order, the directions have been given to the recorded Secretary of the Trust to hold the elections. Relying mainly on the decisions in ***Ramesh Bhutekar and another v. The Asiatic Society and others*** [Writ Petition No.15028 of 2025 decided on 06.11.2025 (Bombay High Court)], ***Raghunath Patil vs. State of Maharashtra***, 2008 Mh.L.J. 78 and ***Lahudas Karad V. State of Maharashtra***, 1993 Mh.L.J. 1056, it has been submitted that such directions for holding enquiry under Section 41-A of the Maharashtra Public Trust Act.

4. On behalf of respondent No.1, affidavit has been filed by respondent No.1, and it has been then submitted that, in view of the dismissal or rejection of both the change reports, the action taken of direction to hold elections would be justified for managing the Trust. Then reliance has been placed on the decision in ***Habibur Mehaman Abdul Masjid and another V. Haji Ajmul Hasan and others*** [Writ Petition No.2654 of 2016 decided on 26.02.2019], ***Shivram Apparao***

Suryawanshi and others V. The Assistant Charity Commissioner-1, Latur and others [Writ Petition No.2122 of 2023 with companion matters decided on 11.04.2023], ***Balwantrao Jayantrao Wagh and others V. The Hon'ble Deputy Charity Commissioner, Jalgaon and others*** [Writ Petition No. 2704 of 2024 decided on 19.03.2024].

5. It has been pointed out on behalf of the petitioner that though the orders in Inquiry Application No. 848 of 2025 as well as in the two change reports are stated to have been passed on the same day, the certified copies of the order and judgment in the change reports have not been supplied to the petitioner, and it appears that even respondent No. 1 got the certified copy yesterday.

6. At this stage, the fact remains is that there is no notice issued by this Court to other respondents and their say then will have to be heard when they are party. Secondly, though we have extensively heard the matter on almost the entire petition, the fact then remains that unless we hear the other parties, we cannot pass the final order. Therefore, we issue notice to respondents Nos. 3 to 6 and 8 to 13, returnable on 09.12.2025. The matter be listed in the same category.

7. In addition to the usual mode of service, private notice is permitted. If service is effected, a service affidavit shall be filed.

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8. Respondents Nos. 2 and 7 appear to have expired during the pendency of Inquiry Application No. 848 of 2025.

9. In view of the fact that the elections are scheduled on Sunday, i.e., on 23.11.2025, we direct that no such elections be held until further orders.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane