



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13472 OF 2025

Shri. Mahant Kashigiri Maharaj
Vice Chairman of the Trust
Aged: 84 years, Occ: Pujari,
R/o Nagai Mata Mandir Kokale,
Tq. Sakri, Dist: Dhule.

...Petitioner

VERSUS

1. Bhausahab Rajaram Navare
Aged: Major, Occ: Business
R/o Kokale, Tq. Sakri, Dist :- Dhule
2. Digamber Sadashiv Giri Baba (Died)
3. Ramesh Sudam Sonar (Died)
4. Chagan Bhaga Patil
Aged: Major, Occ: Business,
R/o Kokale, Tq. Sakri, Dist Dhule.
5. The Assistant Charity Commissioner,
Dhule Division, Dhule.
6. Ravindra Hiralal Chaudhari
Aged: Major, Occ: Business,
R/o Chaudhari Galli, Nandurbar.
7. Bhalerao Namdev Salunke
Aged: Major, Occ: Business,
R/o Snehraj, Shrikrushna Nagar,
Near Tulshiram Nagar, Devpur, Dhule.

...Respondents

- Mr. P. C. Mayure, Advocate for the Petitioner
- Mr. S. K. Shirse, AGP for the Respondent No.6/State

CORAM	: S. G. CHAPALGAONKAR, J
RESERVED ON	: MAY 06, 2026
RESERVED ON	: MAY 08, 2026

FINAL ORDER :

1. The present Writ Petition takes exception to order dated 6-10-2025 passed by Assistant Charity Commissioner, Dhule (for short '**ACC**') in Inquiry Application No.98/2025, whereby, Petitioner's application filed under section 41 A of Maharashtra Public Trust Act, 1950 (for short '**Act of 1950**') came to be rejected.

2. The petitioner is the founder trustee of Shri. Nagai Mata Mandir, Nagapur (Kokle), Tq. Sakri, Dist. Dhule. The ACC, Dhule, by order dated 20-11-1997, allowed application under section 50-A (1) of Bombay Public Trust Act, 1954 for settlement of scheme. The Petitioner is the founder Vice Chairman of Trust. Shri Vasantao Sudham Pingale was Chairman of Trust. The trustees were entitled to appoint three more trustees. The bank account of trust was to be operated by Vice Chairman and Chairman jointly. Meanwhile, there was change in composition of trust due to death/resignation of trustees. The Petitioner continued to be Vice Chairman. The change reports in respect of appointment of new trustees on resignation/death of original trustees are pending before ACC. In light of pendency of change reports, business of trust is standstill. The Petitioner, who is Vice Chairman and also Pujari, is not in a position to manage religious and cultural activities and maintenance of Trust property for want of funds. As long as issue as to change reports in respect of appointment of Chairman is not decided, it was necessary to make an arrangement for operation

of bank account. Eventually, Petitioner filed an application under Section 41-A of Act of 1950 before ACC, Dhule, who rejected same by order dated 06-10-2025. The learned ACC observed that Inquiry Application No. 562 of 2024 for provisional approval of the change report was opposed by Petitioner. Similarly, Application Nos. 504 of 2024 and 274 of 2024 are pending in respect of composition of Trust and appointment of Chairman. The Petitioner has also raised his objection in those change reports. Therefore, there is a dispute among trustees. The prayer of Petitioner is beyond scope of Section 41 of Act.

3. The learned Advocate appearing for Petitioner submits that Petitioner is the founder trustee and Vice Chairman of Shri. Nagai Mata Mandir. The bank account was operated as per the scheme by him and Chairman. Now, change report as to appointment of Chairman is subjudice, Petitioner is facing difficulty to carry out day-to-day administration and activities of Trust for want of funds. The Petitioner may be permitted to operate bank accounts along with any Officer appointed by ACC to facilitate day-to-day administration of Trust.

4. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that as per scheme sanctioned under section 50-A(1) of Bombay Public Trust Act, Petitioner is Vice Chairman of trust. Initially, Trust was consisting of two trustees. Chairman of trust has resigned. The change report in respect of appointment of other trustees and new chairman is subjudice. The trust is a temple. It needs to carry out daily puja, archa

and other cultural and religious activities. As per clause 21 of scheme, Chairman and Vice Chairman have powers to maintain and operate bank account.

5. In this backdrop, this Court finds that only because change reports in respect of appointment of other trustees and Chairman of the trust is pending adjudication, day-to-day administration of trust need not suffer. The Petitioner is admittedly founder Vice Chairman of trust. He was in charge of day-to-day administration. Therefore, by way of interim arrangement, Petitioner can be permitted to operate trust account jointly with ACC himself or any other authorized person appointed by him. The ACC can impose necessary condition for operation of bank account so as to maintain transparency and accountability of expenses from trust account.

6. In result, Writ Petition is partly allowed. The impugned order dated 6/10/2025 passed by ACC, Dhule is quashed and set aside. The ACC shall pass suitable orders permitting Petitioner to operate Trust bank account jointly with ACC himself or with any other officer authorized by him, till decision on pending change reports regarding appointment of Chairman/President.

(S. G. CHAPALGAONKAR, J.)

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