

(2026) 04 GUJ CK 0953

In the Gujarat High Court

Case No : R/Special Civil Application No. 1929 Of 2023

Ravilal Keshrabhai Patel & Anr

APPELLANT

Vs

JT. Charity Commissioner, Rajkot & Ors

RESPONDENT

Date of Decision : 07-04-2026

Acts Referred:

Constitution Of India, 1950 — Article 14, 19(1)(g), 226, 227, 300A
Gujarat Public Trust Act, 1950 — Section 41A

Citation : (2026) 04 GUJ CK 0953

Hon'ble Judges : Hemant M. Prachchhak, J

Bench : Single Bench

Advocate : Jaal Unwala, Tejal A Vash, Kushal R Shah, Rahul R Dholakia, Nikunj Kanara

Final Decision : Allowed

Judgement

Hemant M. Prachchhak, J

1. RULE returnable forthwith. Learned counsel for the respondents waive service of Rule on behalf of the respective respondents. With the consent of both the parties, the present petition is taken up for final hearing today.

2. Present petition is filed by the petitioner under Articles 14, 19(1)(g), 226, 227 and 300-A of the Constitution of India read with the provisions of Gujarat Public Trust Act, 1950 and Rules framed thereunder seeking following reliefs:

"(A) This Honourable Court may be pleased to issue any appropriate writ order or direction to quash and set aside the order dated 28.12.2022, below Exh.30 passed by the Ld. In-charge Joint Charity Commissioner in application no.41/09/2016 and thereby be pleased to allow the said application u.s.41A of the petitioners;

(B) Pending the admission, hearing and final disposal of this petition, this Honourable Court may be pleased to stay the execution, operation and implementation of the order dated 28.12.2022, below Exh.30 passed by the Ld.

In-charge Joint Charity Commissioner in application no.41/09/2016;

(C) Grant such other and further reliefs as may be deemed fit and proper in the interest of justice."

3. Brief facts giving rise to the present petition are that, the petitioners are the Trustees of Shri Ishwar Ashram Seva Trust, Vandhay which was formed on 14th April, 1989 and registered on 30/08/1989 bearing registration no. E/959/Kutch. That, the Trust by the name of Ishwar Ashram (Dwaro), Vandhay, bearing registration no.A-217 (Kutch) was holding various properties and the said Trust was administered by a sole trustee by the name of Sadhu Karsandasji Guru Shantidasji. That, one lease deed dated 17.1.1992 was executed by the sole trustee of Shri Ishwar Ashram, Vandhay Trust whereby, the said properties were given on lease to the Trust wherein, the petitioners are the trustees without restriction of the period of lease. That, the sole Trustee i.e. Sadhu Karsandasji expired on 20.2.2012. That, during his lifetime, Sadhu Karsandasji Maharaj has not declared any person as his Chela or Gadipati (thrown bearer) of Shri Ishwar Ashram (Dwaro), Vandhay Trust. That, Sadhu Karsandasji Maharaj, during his lifetime had declared respondent no.2 as his chela for another Trust which was to be run and managed by him in the name of Chaitanya Swarup Ashram, Rameshwar Trust at Nakhatrana. That, the petitioners approached the Joint Charity Commissioner in the year 2015, requesting the Charity Commissioner to frame a scheme u/s.50 of the Act vide Scheme Application no.17 of 2015. That the respondent no.2 herein was never associated with the present Trust and was never declared as Mahant or Chela for the present Trust i.e. Ishwar Ashram (Dwaro), Vandhay Trust. That a 7 members committee was constituted to take over the immediate management and administration of the Trust and its properties. That, as the respondent no.2 herein declared himself as the chela and Mahant of Ishwar Ashram (Dware), Vandhay Trust and started meddling with the affairs of the said Trust, the petitioners herein approached the Charity Commissioner by way of an application under the provisions of section-41A of the Act being JMA no.41/09/2016 which came to be rejected. That, on 28.12.2022, the scheme application no.17 of 2015 also came to be dismissed by the respondent no.1. That, the respondent no.1 has issued directions de-hors the provisions of section-41A of the Act and has directed the private respondent herein to take over the possession of the Trust property from the petitioners and the private respondent forcefully took the possession of the land from the petitioners which was given to the petitioners on lease vide lease deed dated 17.1.1992.

4. Being aggrieved and dissatisfied with the impugned order dated 28.12.2022 passed by the Joint Charity Commissioner, the petitioner has preferred the present petition.

5. Heard the learned counsel for the respective parties.

6. Mr. Jaal Unwala, learned senior counsel with Ms. Vashi, learned counsel for the

petitioners has submitted that the impugned order passed by the Joint Charity Commissioner is illegal, unjust, arbitrary, erroneous and contrary to the facts and material on record and the provisions of the Act and therefore, is required to be quashed and set aside. He has submitted that a Coordinate Bench of this Court has previously adjudicated an identical issue being Special Civil Application No. 7336 of 2025 with Special Civil Application No. 7284 of 2025 whereby this Court vide CAV judgment dated 08.12.2025 allowed the petitions thereby quashing and setting aside the impugned orders issued by Respondent No. 1 under Section 41A dated 15.05.2025 and 25.05.2025 and remanded the matter to the concerned authority for fresh consideration. He has urged that in view of the aforementioned order passed by the Coordinate Bench of this Court remanding the matter to the concerned authority and the identical issue involved in the present matter, the present petition may be allowed and appropriate orders may be passed.

7. Mr. Meet Shah, learned counsel has contended that he is unable to dispute the order of the Coordinate Bench of this Court relied upon by the petitioners and has submitted that appropriate orders may be passed.

8. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. I have also considered the impugned order passed by the Joint Charity Commissioner. It appears from the records that the petitioners have challenged the impugned order passed by respondent no.1 whereby the petitioner's application came to be rejected. It appears that the learned counsel for the petitioners have relied upon the decision of the Coordinate Bench of this Court in an identical issue being Special Civil Application No. 7336 of 2025 with Special Civil Application No. 7284 of 2025 whereby this Court vide CAV judgment dated 08.12.2025 allowed the petition and the impugned orders were quashed and set aside thus, remanding the matter to the concerned authority. Considering the facts and circumstances of the case and the submissions made by learned counsel for the respective parties and the aforesaid decisions of this Court, the matter deserves to be allowed and the impugned order deserves to be quashed and set aside and the matter is required to be remanded back to respondent no.1 for deciding afresh.

9. In the result, the present petition is hereby allowed. The impugned order passed by the Joint Charity Commissioner, Rajkot is hereby quashed and set aside. The matter is remanded back to the respondent no.1 for deciding the issue afresh and the Joint Charity Commissioner shall decide the same in accordance with law, after giving an opportunity of hearing to the concerned parties as expeditiously as possible. The parties shall not take unnecessary adjournments so as to facilitate early decision in the said matter. Rule is made absolute to the aforesaid extent.