

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.14212 OF 2021

Yogesh Thakkar Alias Swami Prem
Geet & Anr. Petitioners
Vs.
Mukesh Kantilal Sarada Alias Swami
Mukesh Bharathi & Ors. Respondents

CIVIL APPELLATE JURISDICTION
ALONGWITH
FIRST APPEAL NO.325 OF 2022

Yogesh Thakkar Alias Swami Prem Geet & Anr. Petitioners
Vs.
Mukesh Kantilal Sarada @ Swami
Mukesh Bharathi & Ors. Respondents

Mr. A.V. Anturkar, Senior Advocate i/b. Prathamesh Bhargude for the
Petitioners.
Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. S.R. Nargolkar and Mr. Arjun
Kadam for the Respondents.

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 11, 2022

P.C.

1. We have heard the learned counsel for the respective parties.
2. The learned counsel for the Petitioners prays for ad-interim relief.
The order under Section 41(A) of the Maharashtra Public Trust Act is
assailed.
3. Upon perusal of the order, it appears that the respondents herein

are already restrained from alienating or creating any third party interest in respect of the trust properties on the apprehension that the trust properties do not find place in Schedule-I.

4. It is submitted that the respondents have already filed an affidavit for inclusion. In case, according to the Petitioners, some properties are not shown in Schedule-I, it is open for the Petitioners to bring to the notice of the Joint Charity Commissioner the properties of trust, which would certainly be considered by the Joint Charity Commissioner.

5. In view of that, neither the respondents nor any party shall alienate or create any third party interest in respect of the movable or immovable property of the Trust without following due process of law. It is also made clear that there is no prohibition for the Petitioners or devotees to visit the Samadhi. The directions are also given to protect the Osho Samadhi. The Petitioners or devotees certainly can visit the Osho Samadhi. It is open for the Petitioners to bring it to the notice of the Committee conducting an enquiry, any other factual matrix including the properties of the trust, so as to include in Schedule-I, which can certainly be considered by the Committee and also the Jt. Charity Commissioner.

6. Place the Writ Petition alongwith the First Appeal No.326 for hearing. Hearing expedited.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)