



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 19691/2025

Ankur Maglani S/o Ramesh Kuamr Maglani, Aged About 46 Years, R/o 22-H, A Block, Old Ward No.20, New 23, Ganganagar, District Sri Ganganagar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Devasthan, Government Of Rajasthan, Jaipur.
2. The Assistant Commissioner, Department Of Devasthan, Circle Hanumangarh, Rajasthan.
3. Shri Ajay Nagpal S/o Sh. Gyan Chand Nagpal, R/o 55 P Block, Sri Ganganagar, Rajasthan.
4. Shri Ashok Bhootna S/o Madan Lal Bhootna, R/o 167 G Block, Sri Ganganagar, Rajasthan.

-----Respondents

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For Petitioner(s) : Mr. Muktesh Maheshwari.  
Mr. Gaurav Ranka.  
For Respondent(s) : Mr. Rajesh Parihar.  
Mr. Nishant Gaba.

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**HON'BLE MR. JUSTICE SUNIL BENIWAL**

**Order**

**Conclusion of Arguments &**

**Reserved on : 14/01/2026**

**Pronounced on : 23/01/2026**

1. Heard learned counsel for the parties on the preliminary objections raised by the private respondents No.3 & 4 with regard to the maintainability of the present writ petition.
2. Learned counsel appearing on caveat on behalf of the private respondents No.3 & 4 has raised following preliminary objections :-



A. It is submitted that the petitioner has no locus standi to file the present writ petition in the following manner :-

I. It is submitted that the private respondents preferred an application under Section 38 of the Rajasthan Public Trust Act, 1959 ('the Act') against Shri Arorvansh Sanatan Dharam Mandir Trust, highlighting various irregularities committed by the sitting trustees in the management of the Trust affairs. It is also submitted that since the application was submitted against the Trust, therefore, the petitioner in individual capacity could not have any grievance against an order, which has been passed on the application filed by the respondents under Section 38 of the Act.

II. It is submitted that after passing of the impugned order, a suit has been instituted against the Trust and not against the petitioner in his personal or individual capacity and for this reason too, the present writ petition filed by the petitioner is not maintainable.

III. In the writ petition it has nowhere been mentioned anything about the locus of the petitioner or under what capacity the present writ petition has been filed. It is submitted that there is no resolution of the Trust authorizing the present petitioner to file the present writ petition nor it is claimed anywhere in the writ petition that petitioner has been authorized by the Trust to file the present writ petition.

IV. It is submitted that no adverse or coercive direction has been issued against the petitioner and therefore, no cause of





action arises for the petitioner to invoke the extra-ordinary writ jurisdiction of this Court.

V. While referring to the application submitted by the private respondents under Section 38 of the Act, it is submitted that in the application the allegations were with regard to mismanagement of the Trust. The petitioner is unauthorizedly occupying the position of the President and further misusing the trust property. It was also contended that the tenure of the present petitioner was already over and misusing his position, the tenure was got extended. It is further submitted that the managing trustee, in complete violation of the bye-laws, is neither maintaining nor providing the accounts and that mass-scale irregularities are being committed by the managing trustees of the Trust.

The contents of the application itself indicated that power under Section 38 of the Act is invoked by the private respondents raising an issue with regard to mismanagement of the Trust and therefore, permission was sought that they may be allowed to institute appropriate civil suit against the Trust. It is submitted that a reply to the said application was filed by the petitioner as the President of the Trust.

Based on the above submissions, it is contended that the writ petition is not maintainable at the instance of the present petitioner.

VI. In support of the submissions made, learned counsel for the respondents has relied on the judgment passed by





the Division Bench of this Court in ***Income Tax Contingent Employees Union & Anr. Vs. Union of India & Ors. (DBCWP No.16777/2019)***, decided on 10.01.2022, wherein it was held that the writ petition filed without proper authorization is liable to be dismissed.

Further reliance has been placed on the judgment passed by the Allahabad High Court in the case of ***Suresh Agarwal & Anr. Vs. State of U.P. & Ors., reported in 2016 Supreme (All) 2487***, wherein it was held that locus standi is essential for maintaining the writ petition and without demonstrating a right or interest in the subject matter, the petitioner lacks the standing to bring the writ petition.

Similarly, reliance has been placed on the judgment passed by the Calcutta High Court in ***Rigmadirappa Investments Pvt. Ltd. Vs. The Kolkata Municipal Corporation & Ors., reported in 2024 Supreme (Cal) 1493***, wherein it was held that the locus standi requires a party to demonstrate a legal right or interest in the subject matter of the litigation.

B. The second objection raised by the private respondents with regard to the maintainability of the present writ petition is based on the ground of non-joinder of the necessary parties :-

I. While elaborating such objection, it is submitted that the impugned order clearly indicates that the permission has been granted by the respondent No.2 to file a civil suit





which has been filed against the Trust as per provisions of the law. Therefore, without impleading Trust and the serving trustees, who are necessary parties, the present writ petition is not maintainable.

II. In terms of the permission granted by the respondent No.2, the respondents have filed a suit against the Trust. This further indicates that only aggrieved party against the impugned order, if at all, could be the Trust and therefore, the writ petition without impleading the Trust is not maintainable.

III. In support of this objection, learned counsel for the respondents has relied upon the judgment passed by this Court in the case of ***Ram Chand Tolani Vs. State of Rajasthan & Ors., reported in 2003 (3) WLC 290,*** wherein it was held that any person, who may be adversely affected, is a necessary party and not impleading a necessary party amounts to violation of the principles of natural justice.

Further reliance has been placed on the judgment passed by this Court in the case of ***M/s Fatehpuria Dharmarth Trust Vs. Institute of Advance Studies in Education, reported in 2021 Supreme (Raj.) 415,*** wherein it was held that non-joinder of a necessary party can lead to the dismissal of a writ petition.

Similarly, reliance has also been placed on the judgment passed by this Court in the case of ***Kamji Vs.***



**State of Rajasthan & Ors., reported in 1980 WLN 90,**

wherein too it was observed that party directly affected should be impleaded as party and non-joinder of such necessary party would result in dismissal of the writ petition.

C. The respondents have raised another preliminary objection with regard to cause of action. It is submitted that no prejudice has been caused in granting permission to institute suit against the Trust. It is further submitted that granting permission does not by itself determine any right or liability of the petitioner and therefore, the institution of suit against the Trust causes no prejudice to the petitioner nor it gives any cause to the petitioner to file the present writ petition. It is also submitted that the actual adjudication of the issues raised in the suit is to be decided after following due procedure of law and the petitioner shall have full opportunity to raise all permissible objections in accordance with law while submitting written submissions on behalf of the Trust.

In support of such submission, the petitioner has referred to the judgment passed in the case of Ram Chand Tolani (supra) and Suresh Aggarwal (supra) and submitted that unless the petitioner is able to show any violation of legal right, the writ petition would not be maintainable.

3. In response to the preliminary objections as raised by the private respondents, learned counsel appearing for the petitioner has made following submissions :-

(i) The petitioner has filed the present writ petition being a President of the Trust and therefore, the petitioner is having locus





standi to maintain the present writ petition. While elaborating his argument, learned counsel for the petitioner submitted that since the petitioner is the President of the Trust, he is directly concerned with the management of the Trust, therefore, if any allegations are levelled against the Trust, then it is the petitioner who in his capacity as President is answerable to it. That being so, the petitioner can maintain the present writ petition.

(ii) While referring to the application filed by the private respondents under Section 38 of the Act, it was contended that all the allegations levelled in the said application are primarily against the present petitioner and therefore, the petitioner has rightly preferred the present writ petition. Further, while referring to the contents of the application so also the reply filed by the petitioner to the said application, it is submitted that the petitioner is directly aggrieved by the impugned order as it has been passed considering the allegations made against the petitioner so also his reply to the application. Consequently, it cannot be said that the petitioner has no locus standi to maintain the present writ petition.

(iii) While responding to two other objections, it is submitted that the petitioner can maintain the present writ petition without impleading the Trust as a party, as the allegations are directly against the present petitioner, who is the President of the Trust. Therefore, without impleading Trust as a party, the issue raised in the present writ petition can be decided. The Trust is neither a necessary nor a proper party.





(iv) As far as the objection with regard to the cause of action is concerned, it is submitted that the entire application moved by the private respondents alleges and levels accusations against the present petitioner. That being so, it cannot be said that there is no cause of action in the present writ petition. As a matter of fact, the petitioner has rightly filed the present writ petition in order to counter the serious allegations levelled against him, as well as to safeguard the interests of the Trust. The decision to institute a civil suit is based on the report, which itself does not indicate any cause to allow the application under Section 38 of the Act.

4. In view of the submissions made by the respective parties on the preliminary objections, it is observed as under :-

(i) The title of the writ petition nowhere indicates that the writ petition has been filed on behalf of the President of the Trust or being authorized by the Trust. It is merely indicated in para 5 of the writ petition that the petitioner is the President of the Trust and is managing affairs of the Trust in a total transparent manner and is abiding by the bye-laws of the Trust and the Act. This submission nowhere reflects that the present writ petition has been filed after receiving authorization from the Trust. The title so also the facts stated in the writ petition gives clear impression that the writ petition has been filed by the petitioner in his individual capacity.

(ii) Before proceeding further, it would be appropriate to reproduce the operative part of the impugned order dated 16.09.2025 :-





“पत्रावली में उपलब्ध रिकार्ड, निरीक्षक रिपोर्ट एवं बहस का ध्यानपूर्णक अध्ययन एवं मनन करने के पश्चात् मैं इस निष्कर्ष पर पहुंचता हूं कि श्री अरोड़वंश सनातन धर्म मंदिर ट्रस्ट, श्रीगंगानगर की सम्पति का समुचित प्रबंधन लोक न्यास अधिनियम 1959 के प्रावधानों के अनुरूप नहीं हो रहा है। ऐसी स्थिति में प्रार्थीगण द्वारा प्रस्तुत प्रार्थना-पत्र दिनांक 24.06.2025 को आंशिक रूप से स्वीकार किया जाता है। प्रार्थना पत्र में चुनाव एवं कार्यकाल के संबंध में जो तथ्य अंकित किये हैं उनका निर्णय प्रकरण संख्या 45/2025 अन्तर्गत धारा में पृथक से किया जावेगा। प्रार्थीगण श्री अजय नागपाल, श्री अशोक भूतना को राजस्थान सार्वजनिक प्रन्यास अधिनियम 1959 की धारा 38 (1) के अन्तर्गत जिला न्यायालय श्रीगंगानगर में निर्देश प्राप्त करने हेतु वाद दायर करने की स्वीकृति प्रदान की जाती है।

पत्रावली बाद तामील नम्बर से कम होकर दाखिल दफ्तर हो। निर्णय की एक प्रति प्रन्यास कार्यालय एवं एक प्रति कार्यालय हाजा के नोटिस बोर्ड पर चस्पा की जाये।”

From perusal of the direction issued by the Assistant Commissioner, Devasthan Department, Hanumangarh, it is indicated that so far as the allegation with regard to the election of the petitioner is concerned, the authority was not inclined to grant any relief and has observed that the issue with regard to the election and the tenure shall be considered in the proceedings which have been initiated under Section 23 of the Act, however, the application was allowed only to the extent of mismanagement of the Trust.

Considering the above order, this Court is of the firm opinion that the application was moved by the private respondents under Section 38 of the Act highlighting the irregularities in managing the affairs of the Trust. Of course, in the application, there were allegations with regard to the elections and the tenure, however, the Assistant Collector did not choose to dwell upon such submissions and kept it open to be decided in accordance with Section 23 of the Act. However, allowed the application under





Section 38 only to the extent of adjudicating the allegations of mismanagement of the Trust. This further indicates that if at all there could be grievance against the impugned order then it could only be raised by the Trust and not the petitioner in an individual capacity or even as a President of the Trust.

Thus, this Court is of the firm opinion that the present writ petition which has been preferred by the petitioner in an individual capacity is not maintainable and he has no locus standi to question the impugned order.

Further, taking note of the fact that the application under Section 38 of the Act has been partly allowed and while doing so, the private respondents were constrained to institute a civil suit against the Trust so also considering the fact that the suit has been instituted only against the Trust, therefore, without impleading Trust as a party, the present writ petition is not maintainable. This Court has no hesitation in observing that the Trust is a necessary party and without impleading the Trust as party, the present writ petition is not maintainable.

(iii) The respondents have also raised objection with regard to the cause of action so also with regard to prejudice to be caused to the petitioner, this Court is not inclined to examine the same in light of the fact that this Court has already held in above paras that the petitioner has no locus standi to maintain the present writ petition.

5. In view of the discussion made above, the preliminary objection with regard to locus standi of the present writ petition so





also the objection with regard to the maintainability of the writ petition in absence of necessary party is accepted.

6. Resultantly, the writ petition is dismissed.

7. All pending application (s), if any, shall also stand disposed of.



**(SUNIL BENIWAL),J**

Rmathur/-