



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 318 OF 2023  
IN  
WRIT PETITION (L) NO. 14212 OF 2021**

**Mukesh Kantilal Sarda alias  
Swami Mukesh Bharati & Ors. .. Applicants**

**In the matter between:**

**Yogesh Thakkar alias  
Swami Prem Geet & Anr. .. Petitioners**

**Versus**

**Mukesh Kantilal Sarda alias  
Swami Mukesh Bharati & Ors. .. Respondents**

**WITH  
INTERIM APPLICATION NO. 1148 OF 2023  
IN  
WRIT PETITION (L) NO. 14212 OF 2021**

**Pradip Hiralal Dusade & Ors. .. Applicants**

**In the matter between:**

**Yogesh Thakkar alias  
Swami Prem Geet & Anr. .. Petitioners**

**Versus**

**Mukesh Kantilal Sarda alias  
Swami Mukesh Bharati & Ors. .. Respondents**

Mr. S. S. Patwardhan a/w Mr. S. R. Nargolkar, Mr. Arjun Kadam  
for applicants in IA/318/2023 and for respondent no.1 in  
WPL/14212/2021.

Mr. Anil V. Anturkar, Senior Advocate a/w Ms. Mrunal Surana,  
Mr. Tanaji Mhatugade i/by Mr. Vaibhav Kulkarni for applicants  
in IA/1148/2023.

Mr. Himanshu Takke, AGP for respondent/State.

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

**DATE: APRIL 25, 2023**

**P.C.:**

**1.** The present applications are filed for modification/clarification of the order dated 11<sup>th</sup> August, 2022. The relevant extract of the said order is reproduced hereunder: -

“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 IPR 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.”

**2.** It is submitted by Mr. Patwardhan, learned counsel for the applicants that the applicants are not prohibiting the petitioners or devotees to visit the Samadhi. However, two things need to be clarified; (i) the resolution is passed that the devotees visiting Ashram and/or Samadhi should not wear the Mala and (ii) the entry fee is also fixed by the resolution. The same is not being paid nor the same is clarified in the order. It is also submitted that the non-applicants were paying the same in the past.

**3.** Mr. Anturkar, learned senior advocate for the non-applicants submits that in case the Trust has fixed some fee

for the darshan, then the non-applicants do not claim any separate privilege for the same. However, fee, which is being sought, is for an entry. If the non-applicants do not want to visit meditation center, library or any other place other than the Samadhi, then the non-applicants are not required to pay any fee as no fee is prescribed for the darshan.

**4.** According to Mr. Patwardhan, learned counsel, the entry fee is for gate pass stickers given for the entry in the Ashram. It is only after entry; the person can approach the Samadhi.

**5.** This Court is not expected to pour its vocabulary on these aspects of the matter. When we said that there is no prohibition for the devotees to visit the Samadhi, the same would mean there is no prohibition to visit but in accordance with the rules, conventions and traditions. If according to the applicants some norms, traditions and conventions are being infringed then the applicants can approach the office of the Joint Charity Commissioner or Deputy Charity Commissioner by filing appropriate application, which application certainly would be considered on its own merits. In that event the pendency of the present proceeding before this Court and the present order would not be an impediment.

**6.** With these clarifications, the applications stand disposed of.

**(MADHAV J. JAMDAR, J.)**

**(ACTING CHIEF JUSTICE)**

Digitally  
signed by  
PRAVIN  
DASHARATH  
PANDIT  
Date:  
2023.04.26  
13:12:23  
+0530