

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8527 OF 2026

Anil Baburao Acharekar

.... Petitioner.

Vs.

State of Maharashtra and Others

.... Respondents.

Mr. Sanjiv Sawant i/b Mr. Milind Shewale for the Petitioner.

Ms. Kavita N. Solunke, Addl. G.P. with Ms. Leena Patil 'B' Panel
Counsel for Respondent-State.

**CORAM : SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.**

DATE : 16TH SEPTEMBER, 2026.

P.C. :

1. The Petitioner is an agriculturist. On 24th December, 2015, the Petitioner entered into an Agreement for Sale with Respondent No.5-Trust for purchase of a plot of land bearing Survey No.33, Gut No.7/1, admeasuring 0-95-2, situated at Mauje Ekdara, Taluka Murud, District Raigad (“**the property**”). Since the property belongs to Respondent No.5-Trust, an application bearing No. Jt.CC (MS) II/255/2016 came to be filed under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950, seeking permission of the Charity Commissioner for sale of the

said property in favour of the Petitioner.

2. On 17th December, 2018, the Joint Charity Commissioner granted permission for the proposed sale and directed Respondent No.5 to complete the transaction within six months from the date of the said order. By an order dated 29th June, 2019, this time was subsequently extended by another 6 months.

3. On 24th January, 2019, the Petitioner made an application to Respondent No.1 seeking the requisite permission for execution of the conveyance under Section 37A of the Maharashtra Land Revenue Code, 1966. From 2019 onwards, the Petitioner repeatedly followed up with the concerned authorities for a decision on his application. It appears that the Petitioner's application was scrutinized by Respondent Nos.1 and 4. Respondent No.3, by its letter dated 3rd January, 2023, also requested Respondent No.1 to take necessary steps in accordance with the prevailing Rules and Regulations of the State Government. Despite repeated reminders, the Petitioner's application has not been decided till date.

4. Mr. Sawant, learned counsel for the Petitioner, submits that the prolonged inaction on the part of Respondent No.1 is unreasonable,

particularly when the Joint Charity Commissioner has already granted permission for the sale of the property and the Petitioner has expressed his willingness to comply with all applicable terms and conditions governing the proposed conveyance. The continued inaction of Respondent No.1 is causing serious prejudice to the Petitioner and warrants a direction for expeditious consideration of the application.

5. Ms. Solunke, learned Additional Government Pleader appearing for the Respondent Nos.1 to 4, does not dispute the factual position and submits that Respondent No.1 shall consider the Petitioner's application in accordance with law.

6. Having perused the record, we do not find any justification on the part of Respondent No.1 for delaying the decision on the Petitioner's application which is pending since 2019, particularly when the Joint Charity Commissioner has already granted permission for sale of the property. Hence, Writ Petition is allowed in terms of prayer (a) which reads as under:

“a. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, by directing the Respondent No.1 to consider the application made by the Petitioner seeking permission for the sale and conveyance of the property by the Respondent No.5 to the Petitioner.”

7. We clarify that we have not expressed any opinion on the merits of the Petitioner's application. The Petitioner is at liberty to place on record any additional documents or material in support of the application, if so advised. Respondent No.1 shall decide the Petitioner's application in accordance with the applicable law and take a decision within 2 months of this order.

[GAUTAM A. ANKHAD, J.]

[SUMAN SHYAM, J.]

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