

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
***CIVIL APPELLATE JURISDICTION***  
**WRIT PETITION NO. 12833 OF 2015**

**Kolhapur Zilla Khadi Va**  
**Gramodyoag Sangh, Kolhapur & Ors. .... Petitioners**

**VERSUS**

**The State of Maharashtra & Ors. .... Respondents**

Mr.P.K.Dhakephalkar, Senior Advocate, i/b. Mr.J.G.Reddy for the  
Petitioners.

Mr.S.H.Kankal, A.G.P. For the State – Respondent no.1.

Mr.N.V.Bandiwadekar, i/b. Mr.Sangramsinh Yadav for the Respondent  
no.3.

**CORAM : R.D. DHANUKA, J.**

**DATE : 19<sup>th</sup> JUNE, 2018**

**P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 23<sup>rd</sup> November,2015 passed by the respondent no.2 rejecting the application filed by the petitioners under section 36(1)(b) of the Maharashtra Public Trust Act, 1950.

2. A perusal of the record indicates that the application was filed by the petitioners for seeking permission under section 36(1)(b) sometime in the year 2011 on various grounds. The said application was rejected by the learned Joint Charity Commissioner on 23<sup>rd</sup> November,2015.

3. The petitioners have not brought on record any change in circumstances taken place, if any, during the period between the date of

application and today.

4. Mr.Dhakephalkar, learned senior counsel for the petitioners on instruction seeks liberty to file a fresh application under section 36(1) (b) of the Maharashtra Public Trust Act, 1950 before the authority for seeking permission to sale the property in question. Statement is accepted. If any such application is filed by the petitioners, the concerned authority shall dispose of the said application afresh and on its own merits without being influenced by the observations made and conclusion drawn in the order dated 23<sup>rd</sup> November,2015 passed by the respondent no.2. If any such application is filed, the same shall be disposed of expeditiously.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

6. It is made clear that this court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

**[R.D. DHANUKA, J.]**