IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12802 OF 2024

Budhrani Charitable Trust Through Their M.T. ... Petitioner.
Versus
The Ld. Joint Charity Commissioner and Anr. ... Respondents.

Mr. Dakshesh Vyas, Mr.Amol K. i/by Mr.Abhishek Prabhu for the Petitioner.
Mr. Abhijeet Joshi, for the Respondent No.2.
Ms. Gauri Jadhav “A” Panel Counsel a/w Mr.J.P.Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.
Date : December 10, 2024

P. C. :

1. Learned counsel appearing for the Petitioner, on instructions, submits that as the rejection of the sanction under under Section 36 of the Maharashtra Public Trusts Act, 1950 [Trusts Act], by reason of proper valuation not being carried out and the proper procedure has not been followed, he may be permitted to withdraw the present Petition as also the Application seeking sanction from the office of the Charity Commissioner with liberty to file fresh Application after complying with the necessary requisites.

2. Perusal of the impugned order indicates that the sanction has been refused on the ground that the valuation does not appear to be correct and the proposal for sanction does not demonstrate any necessity for alienating the Trust property. Considering the findings of the Charity Commissioner for rejecting the Application for sanction, in my view, the Petition can be permitted to institute a fresh proceedings after necessary compliance.

3. In light of the above, the Petition is permitted to be withdrawn with liberty to file fresh Application before the office of the Charity Commissioner for seeking sanction in respect of alienating the said Trust property. As the fresh Application is permitted to be filed, the impugned order dated 15th May, 2024 is quashed only for the purpose of permitting the Petitioner to file an Application for fresh adjudication.

4. It is made clear that the order is not quashed and set aside on merits but for the purpose of permitting fresh adjudication. Let the fresh Application for sanction be filed before the Charity Commissioner, which is to be considered on its own merits and in accordance with law and uninfluenced by the observations contained in the order dated 15th May, 2024.

[Sharmila U. Deshmukh, J.]