



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO. 11169 OF 2023

TECHNICAL AND MEDICAL EDUCATION SOCIETY THROUGH ITS
PRESIDENT SHARAD JIVRAM MAHAJAN AND ANOTHER

VERSUS

THE JOINT CHARITY COMMISSIONER NASHIK

...

Mr. Ashwin V. Hon – Advocate for Petitioners

Mr. V.S. Badakh – AGP for sole Respondent, State

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09.12.2025

PER COURT :

1. Heard learned Counsel – Mr. Ashwin Hon for the petitioners and learned A.G.P. for the respondent, State.

2. By way of the present petition, the petitioners challenge the order dated 19.01.2023 passed below Exhibit 45 by the Joint Charity Commissioner, Nashik Region, Nashik, in Application No.26 of 2022, whereby the application seeking grant of sanction to sell trust property under Section 36(1)(a) of the Maharashtra Public Trusts Act (*‘the Act’* for short) came to be rejected.

3. Learned Counsel for the petitioners submits that, in order to clear the dues of the employees, the said application was filed before the learned Joint Charity Commissioner under Section 36(1)(a) of the Act

seeking sanction to sell the trust property. Earlier, Application No.17 of 2021 was filed before the learned Joint Charity Commissioner and the same was allowed under Section 36 of the Act vide order dated 11.11.2021, granting permission to sell the property mentioned therein to the prospective purchaser. However, as some dues were still pending, another application was filed seeking permission to sell trust property. While filing the said application, the petitioners specifically mentioned the amount of dues payable. Though the entire record was placed before the learned Joint Charity Commissioner, the said application came to be rejected on the ground that the approval of the Governing Council was not placed on record. It was observed that, as per Regulation 12 of the by laws approval of the Governing Council was necessary. It was further observed that, although a resolution was passed by the Managing Committee for sale of the property, the requisite approval was not obtained from Governing Council and therefore, the learned Joint Charity Commissioner rejected the application.

4. I have gone through the order passed by the learned Joint Charity Commissioner, Nashik and I find no perversity in it, therefore, no interference is required with order dated 19.01.2023 passed by the Joint Charity Commissioner, Nashik Region, Nashik, below Application No.26 of 2022 under Section 226 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

6. However, the petitioners are at liberty to file a fresh application within a period of three (3) weeks from today.

7. The learned Joint Charity Commissioner shall consider the application filed by the petitioners in accordance with law and decide the same within a period of six (6) weeks thereafter.

8. It is expected that the learned Joint Charity Commissioner shall obtain a fresh valuation report of the property while passing the order.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/