



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

50 WRIT PETITION NO. 1167 OF 2025

RAMNATH GANPATRAO KHOD

VERSUS

PRAKASHCHANDRA RAMPRASADJI ATTAL AND ANOTHER

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Mr. Dhage Vivek J. And Mr. D.A. Karnik, Advocate for the Petitioner
Mr. Hiwrekar Sanjay Dattatrya And Indani M.S., Advocate for
Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 20.06.2025

PER COURT :-

. The petitioner impugns order dated 10.04.2024 passed by learned Assistant Charity Commissioner, Beed in Inquiry No.118 of 2022, granting consent to respondent No.1 to institute civil Suit as per Sections 50 and 51 of Maharashtra Public Trusts Act, 1950.

2. Mr. Dhage, learned Advocate appearing for petitioner submits that there is voluminous record to show that suit property vested with the trust and respondent himself was responsible for such vesting. He would rely on the old revenue and Trust record maintained by Charity Commissioner depicting that it was the decision of respondents family to vest the aforesaid land in trust and accordingly they moved before Assistant Charity Commissioner declaring property to be trust property.

3. Mr. Dhage would, therefore, urge that learned Assistant Charity Commissioner mechanically granted permission to institute suit without applying his mind when there are no issues that could have been considered by trial Court.

4. Per contra, Mr. Hiwrekar along with Mr. Indani learned advocates appearing for respondent justifies the order contending that issues as raised by petitioner cannot be gone into by Assistant Charity Commissioner while considering application seeking permission to file Civil Suit.

5. Having considered submissions advanced, it can be observed that Sections 50 and 51 of Maharashtra Public Trusts Act, 1950 deals with suit to be instituted against Public Trust. Section 50 provides list of various matters for which suit can be instituted against the trust and Section 51 provides jurisdiction with Charity Commissioner to grant consent for institution of such suit. The language of Section 51 shows that subject to satisfaction of Charity Commissioner as regards to nature of suit to be instituted and pertains to claim as enlisted in Section 50, such permission can be granted.

6. In present case, learned Assistant Charity Commissioner has exercised his jurisdiction on application of mind and observed that all issues put forth as defence against grant of consent are kept open and specifically

clarified that he is not delving into merits of the case. It suggests that issues and contentions of parties are kept open to be decided in suit to be instituted pursuance to consent granted under Section 51.

7. In that view of the matter, there is no jurisdictional error on the part of learned Charity Commissioner that invites this Court to exercise jurisdiction under Section 227 of the Constitution of India. In result, writ petition stands rejected.

[S. G. CHAPALGAONKAR, J.]

HRJadhav