



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

913 WRIT PETITION NO. 10715 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Mr.P.D.Patil
Advocate for respondent no.3 : Mr.S.B.Gastagar

...

AND

914 WRIT PETITION NO.10723 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.R.D.Kawade

...

AND

915 WRIT PETITION NO. 10725 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Mr.P.D.Patil
Advocate for Respondent no.3 : Mr.S.B.Gastagar

...

AND

916 WRIT PETITION NO. 10726 OF 2025

SANTOSH VIJAYSING DESHMUKH AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Ms.M.N.Ghanekar

Advocate for Respondent no.3 : Mr.R.D.Kawade

...

AND

917 WRIT PETITION NO. 10727 OF 2025

SANTOSH VIJAYSING DESHMUKH AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Mr.K.B.Jadhavar

Advocate for Respondent no.3 : Mr.R.D.Kawade

...

AND

918 WRIT PETITION NO. 10728 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.
Mr.V.V.Ingale

AGP for Respondent-State : Mr.P.D.Patil

Advocate for Respondent no.3 : Mr.S.B.Gastagar

...

AND

919 WRIT PETITION NO. 10729 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.

Mr.V.V.Ingale
 AGP for Respondent-State : Ms.M.N.Ghanekar
 Advocate for Respondent no.3 : Mr.S.B.Gastagar

...

AND

920 WRIT PETITION NO. 10730 OF 2025

SANTOSH VIJAYSING DESHMUKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the petitioners : Mr.V.D.Salunke h/f.

Mr.V.V.Ingale

AGP for Respondent-State : Mr.K.B.Jadhavar

Advocate for Respondent no.3 : Mr.R.D.Kawade

...

AND

922 WRIT PETITION NO. 10744 OF 2025

SANTOSH VIJAYSINGH DESHMUKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr.V.D.Salunke h/f.

Mr.V.V.Ingale

AGP for Respondent-State : Mr.K.B.Jadhavar

Advocate for Respondent no.3 : Mr.S.B.Gastagar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.09.2025

P.C. :

1] The learned counsel for the petitioner in Writ Petition No.10715/2025 submits that the respondent has sought ex-post facto sanction under the provisions of Section 36 (5) of the Maharashtra Public Trusts Act. He further submits that the aforesaid sanction is granted in

violation of the conditions mentioned in Section 36 (5) of the Maharashtra Public Trusts Act. Section 36 (5) of the Maharashtra Public Trusts Act is quoted below for ready reference :

36. *Alienation of immovable property of public trust*

(5) Notwithstanding anything contained in sub-section (1), in exceptional and extraordinary situations where the absence of previous sanction contemplated under sub-section (1) results in hardship to the trust, a large body of persons or a bona fide purchaser for value, the Charity Commissioner may grant ex-post facto sanction to the [transfer of the trust property, effected by the trustees prior to the date of commencement of the Maharashtra Public Trusts Act (Second Amendment) Act, 2017], if he is satisfied that -

- (a) there was an emergent situation which warranted such transfer,*
- (b) there was compelling necessity for the said transfer,*
- (c) the transfer was necessary in the interest of trust,*
- (d) the property was transferred for consideration which was not less than prevalent market value of the property so transferred, to be certified by the expert,*
- (e) there was reasonable effort on the part of trustees to secure the best price,*
- (f) the trustees actions, during the course of the entire transaction, were bona fide and they have not derived any benefit, either pecuniary or otherwise, out of the said transaction, and*
- (g) the transfer was effected by executing a registered instrument, if a document is required to be registered under the law for the time being force.]*

The learned counsel for the petitioners submits that on perusal of the sale deed, it would be apparent that the consideration amount was taken by the trustee for his personal use and was not bona fide use of the trust, and

therefore, there is violation of Section 36 (5) (c) of the said Act. He further submits that there is violation of Section 36 (5) (a) and (d) also. He further submits that there is error committed by the Charity Commissioner in observing that there was sanction granted to sell by the Deputy Charity Commissioner, since the sanction is granted for sale of different land i.e. from Gat No.765 to the extent of 8 Hector 83 R. However, in the instant case, no sanction is granted to sell the land in Gat No.683 to the extent of 5 Acres. He further submits that without considering the factual aspect, the impugned order is passed and the same is illegal.

2] Issue notice to the respondents, returnable on 13.10.2025. The learned AGPs waive notice for respondent-State and State Authorities in respective petitions. Mr.S.B.Gastgar, learned counsel waives notice for respondent no.3 in Writ Petition Nos.10715/2025, 10725/2025, 10728/2025, 10729/2025 and 10744/2025. Mr.R.D.Kawade, learned counsel waives notice for respondent no.3 in Writ Petition Nos.10723/2025, 10726/2025, 10727/2025 and 10730/2025.

3] Till the next date, the status quo be maintained qua suit properties mentioned in the sale deed, so also, implementation of the impugned orders is stayed.

4] Reply, if any, to be filed before next date.

5] List this matter on 13.10.2025 immediately after fresh admission matters, for confirmation / vacation of the interim relief.

6] The learned counsel for the respondent no.3 submits that there are some Demand Drafts with the respondent as directed by the Charity Commissioner, therefore, the respondent no.3 may be permitted to deposit the same in the office of Charity Commissioner.

7] Without prejudice to the rights of the petitioners to contest the proceedings, the Charity Commissioner to accept the aforesaid Demand Drafts.

[ARUN R. PEDNEKER]
JUDGE

DDC