

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1995 OF 2025

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Madrasa Darul Ulum Hussainia
Chandtara Mohalla

... Petitioner

V/s.

The Ld. Joint Charity Commissioner,
Kolhapur Division

... Respondent

Mr. Uday P. Warunjikar with Mr. Siddhesh Pilankar for
the petitioner.

Ms. Savina R. Crasto, AGP for the State-respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2025

P.C.:

1. The present writ petition challenges an order passed by the Joint Charity Commissioner, Kolhapur Division, Kolhapur, wherein the petitioner's application under Section 35 of the Maharashtra Public Trusts Act, 1950, was summarily rejected.
2. It is apparent that the primary ground for the rejection of the petitioner's application is the absence of pertinent documentary evidence—specifically, income tax records or bank statements—that would have served to accurately establish the petitioner's economic position on the date of filing.
3. In light of the foregoing, it is deemed appropriate that the

petitioner be permitted to file a fresh application supported by the necessary documentary evidence, which shall unequivocally demonstrate his economic position as of the filing date. Granting the petitioner an opportunity to submit additional documentation is not only consonant with the statutory scheme but also imperative to uphold the principles of fairness and to correct any inadvertent administrative oversight.

4. It is hereby directed that, upon receipt of the new application, the Joint Charity Commissioner shall re-examine the petitioner's submission afresh, without any undue deference to or influence from the observations set forth in the impugned order. In exercising this duty, the Commissioner is required to undertake a comprehensive and impartial review of all relevant facts and circumstances, ensuring that the decision is rendered strictly in accordance with the statutory provisions and established legal principles.

5. The Commissioner is further directed to complete the re-examination and adjudication of the newly filed application within a period not exceeding six months from the date of its filing. The final decision, supported by detailed reasons, shall be communicated in writing to the petitioner, thereby ensuring transparency, accountability, and full compliance with the mandates of the Maharashtra Public Trusts Act, 1950.

6. With above, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)