IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.12845 OF 2025

SOU. SUSHILA DANCHAND GHODAWAT CHARITABLE TRUST
Registered under the Maharashtra Public Trusts Act, 1950
having its registered office at
Gat No. 557 to 585, Sanjay Ghodawat Institute at Post Atigre,
Taluka, Hatkanangale, District Kolhapur
Through its Trustee Vinayak Vilasrao Bhosale ...Petitioner

Versus

1) THE JOINT CHARITY COMMISSIONER,
Kolhapur Division, Kolhapur

2) THE STATE OF MAHARASHTRA

3) Uday @ Yuvraj Uttamrao Nimbalkar
Aged 53 years, Occupation: Business
R/o. Building B, Survey No. 992/93, Opposite Premanand
Society, Rajendra Nagar, Pune, Near S.P. College,
Pune 411030

4) Ritesh Navalchand Patni
aged 40 years, Occupation: Business
R/o. 5977/1/2/3/4, Plot No. 75/K/1, Royal Park,
Ichalkaranji, Dist. Kolhapur- 416115

5) Randheer Venkatrao Shinde
Aged 48 years, Occupation: Business,
Permanent Resident of "Venkatrao", B-1205,
Ratnaakar Atelier, Near Chandan Party Plot, Jodhpur,
Ahmadabad City, Gujarat- 380015

6) Vijay Ghanshyamdas Bajaj
aged 44 years, Occupation: Business,
C/o. Ritesh Navalchand Patni
R/o. 5977/1/2/3/4, Plot No. 75/K/1, Royal Park,
Ichalkaranji, Dist. Kolhapur- 416115 ..Respondents

...

Mr. Nitin Shivajirao Dhumal, Advocate for Petitioner.
Mr. Kalpesh U. Patil, Advocate for Respondent Nos.3 to 6.
Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.1 and 2.

...

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th DECEMBER, 2025.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.

2. The petitioner impugns order dated 02.07.2025 passed by Joint Charity Commissioner, Kolhapur in Trust's Application No.23/2024, whereby petitioner's application filed under Section 36 of Maharashtra Public Trust Act (for short 'MTP Act') has been rejected.

3. It is contention of petitioner that in year 2000-2001, Trust had purchased 14 acres of agriculture land situated at Village Tardal and Tamdalge with intention to establish Educational Institution. Later on, petitioner-Trust acquired larger parcel of land at Atgire as per norms required for establishment of Educational Institution. Eventually, requirement of land situated at Tardal and Tamdalge ceased to subsist. On 15.01.2021, Board of Trustees decided to sale out unutilized land and generate funds for repayment of outstanding loans. Accordingly, application was moved under Section 36 of MPT Act. However, Joint Charity Commissioner rejected application on ground that financial position of Trust is sound and valuation of land has been substantially increased in year 2025.

4. Mr. Nitin Dhumal, learned Advocate appearing for petitioner would submit that Managing Committee of Trust had taken decision to sale out unutilized land and generate liquid funds to clear outstanding

loans. The Joint Charity Commissioner could not have ventured into administrative decision of Trust. According to petitioner, now respondent nos.3 to 6 have offered amount of Rs.5 crores as against earlier offer. In that view of matter, Trust would be benefited by sale of land and reason for rejection employed in impugned order does not subsist.

5. Mr. Kalpesh Patil, learned Advocate appearing for respondent nos.3 to 6 and Mr. Sanjay Rayrikar, learned AGP appearing for respondent nos.1 and 2 supports impugned order.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that petitioner-Trust took decision to sale out unutilized land and generate liquid funds for discharging financial liability and developments of Trust. In pursuance to aforesaid decision, on 16.09.2023 public notice was issued inviting bids. Eventually, offer of Rs.4,30,00,000/- was received. The valuation report of Joint Sub-Registrar, Ichalkaranji and Sub-Registrar, Shirol depicts composite valuation of property to the tune of Rs.4,27,28,400/- The report dated 01.03.2025 has been obtained from Government panel valuer Mr. Anil Harale, which shows valuation of property as Rs.4,34,92,500/-. It is true that, earlier offer was less than valuation of year 2025 received from Mr. Anil Harale. The proposed purchasers have now offered an amount of Rs.5 crores, which is much more than valuation made by approved valuer.

7. It is trite that, while considering application under Section 36 of MPT Act, Joint Charity Commissioner has to grant permission looking to interest or protection of Trust. However, it does not mean that Joint Charity Commissioner can thrust his decision or opinion as against conscious decision taken by Trustees. In present case, impugned order suggests that Joint Charity Commissioner formed opinion that financial condition of petitioner-Trust is sound and Trust need not sale property for repayment of outstanding loans. Apparently, Joint Charity Commissioner has ventured into administration of Trust and seeks to thrust his opinion against will of Management of Trust. If Trust is getting good returns of unutilized property, there is no reason to deny permission under Section 36 of MPT Act. The Charity Commissioner is expected to form his opinion only as to whether property is being sold in interest of Trust and it is beneficial without substituting his ideas vis-a-vis functioning of Trust.

8. In present case, it is not in dispute that Trust has financial liability of loans and land which is proposed to be sold is unutilized and no more required for basic object of purchase for raising construction of Educational Institution run by Trust. In that view of matter, impugned order cannot be sustained in law. Hence, following order:

ORDER

a. Writ Petition is partly allowed.

b. The impugned order dated 02.07.2025 passed by Joint Charity Commissioner, Kolhapur in Trust's Application No.23/2024, is hereby quashed and set aside.

c. The matter is relegated back to Joint Charity Commissioner, Kolhapur for fresh consideration.

d. The respondents/prospective purchasers shall file an affidavit reviving their offer of Rs.5 crores for purchase of subject Trust properties within period of two weeks from today.

e. Once such affidavit is filed, Joint Charity Commissioner shall pass further orders within period of four weeks thereafter in light of observations made hereinabove.

f. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE