

The Evangelical Alliance Christian Church versus State of Maharashtra and Anr.		Petitioner Respondents
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Mr. Ameer Sayyed with Mr. Vinayak Pandit, Mr. Sufyaan Mansuri, Mr. Abhijeet Dherange i/by Mr. Ajinkya Udane, for Petitioner.
Mrs. Kavita N. Solunke, Addl. Govt. Pleader, for State.

CORAM: N.J.JAMADAR, J.

DATE : 3 DECEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 13 March 2025 passed by the learned Joint Charity Commissioner, Nashik, whereby the application preferred by the Petitioner – Trust under Section 36 of the Maharashtra Public Trusts Act, 1950, seeking permission for sale of the trust's property came to be rejected, inter alia, on the ground that the property for the development of which the sale proceeds were to be utilized was not shown in Schedule I of the Trust as the trust property.
3. A submission was then made before the learned Joint Charity Commissioner that the Trust would file a Change Report to include the said property in Schedule I of the Trust.
4. Learned Counsel for the Petitioner submitted that in the intervening

period, Change Report No.706 of 2025 was filed before the Deputy Charity Commissioner and by an order dated 1 October 2025, the Deputy Charity Commissioner, Nashik, has allowed the said application and the property which the Trust intends to develop, has been ordered to be included in Schedule I of the Trust.

5. In the aforesaid view of the matter, as the fact that the said property was not shown in Schedule I of the Trust property, weighed with the learned Joint Charity Commissioner to reject the application under Section 36 of the Act, it may be expedient to remit the matter back to the Charity Commissioner for afresh decision after providing an opportunity of hearing to the parties.

6. Hence, the following order :

ORDER

(i) The Writ Petition stands partly allowed.

(ii) The impugned order dated 13 March 2025 stands quashed and set aside and the Application No.6 of 2024 is restored to the file of the learned Joint Charity Commissioner for afresh decision.

(iii) The Petitioner is permitted to file further affidavits/documents before the Joint Charity Commissioner to place on record further developments in the intervening period, including the acceptance of the Change Report No.706 of 2025 to enter the said property in Schedule I of the Trust.

(iv) Learned Joint Charity Commissioner is requested to make an endeavour to hear and decide the application afresh, as expeditiously as possible.

(N.J.JAMADAR, J.)