

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11254 OF 2025**

Maseeh Ahmed	...	Petitioner
versus		
State of Maharashtra and Ors.	...	Respondents

Mr. Prasad Dani, Sr. Advocate with Mr. M.K.Kocharekar i/by Mrs. Prabha Badadare, for Petitioner.
Mr. P.V.Nelson Rajan, AGP for Respondent No.1.

CORAM: N.J.JAMADAR, J.

DATE : 25 AUGUST 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The Petitioner assails the legality, propriety and correctness of an order dated 7 July 2025 passed by the learned Charity Commissioner, Maharashtra State, Mumbai in Application No.CC/09/2023, whereby the learned Charity Commissioner rejected the said application preferred by the Petitioner to revoke the order dated 31 July 2007 passed by the then Charity Commissioner in Application No.47 of 2007 granting permission to the Trust to sell the Trust's property under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950.
3. By the said application, the then Trustees had sought the permission of the Charity Commissioner to sell several parcels of land to achieve the objects of the trust. That application was made by the trust – Al Jamia

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Mohammediyah Education Society (PTR No.F-5447).

4. Learned Charity Commissioner found that the trustees had succeeded in making out a case of necessity of the sale of the trust's property and after persuading the then prospective purchaser (R7) to enhance the bid, granted the permission to sell the trust's property for a consideration of Rs.2.50 Crores, subject to certain conditions. Eventually, the trust executed conveyance of the said property in favour of Respondent No.7.

5. The Petitioner sought revocation of the said order dated 31 July 2007 primarily on the ground that the then trustees of the trust applied for, and obtained, the permission for sale by playing fraud on the Charity Commissioner by asserting that the name of the trust was Al Jamia Mohammediyah Education Society. Whereas, the name of the trust is "**The** Al Jamia Mohammediyah Education Society". The trustees of the trust had used the names Al Jamia Mohammediyah Education Society and The Al Jamia Mohammediyah Education Society, interchangeably, and initiated proceedings by fraudulently referring to PTR No.F-5447, which, in fact, is given to "The Al Jamia Mohammediyah Education Society". Part consideration for the sale of the property of the trust was accepted in the name of "Al Jamia Mohammediyah Education Society".

6. Learned Charity Commissioner was of the view that the then trustees of the trust did not make any false representation by filing an application for, and

obtaining, the permission in the name of “Al Jamia Mohammediyah Education Society”. The omission to prefix article “The” was not with intent to practice any deception or to secure an unfair advantage. Part consideration which was received in the name of “ Al Jamia Mohammediyah Education Society” was credited to the account of the trust. Therefore, no case to revoke the order dated 31 July 2007 was made out.

7. Mr. Prasad Dani, the learned Senior Advocate for the Petitioner, submitted that, though the subject property was acquired in the year June 1990 in the name of Al Jamia Mohammediyah Education Society, the said property was not shown in the PTR till the year 2006. Secondly, it was not a mere inadvertent omission to seek the permission of the Charity Commissioner in the correct name of the Trust. The then trustees of the trust had made an application for, and obtained, the permission with fraudulent intent. Thus, the learned Charity Commissioner could not have jettisoned away the application on the count that it was an inadvertent omission. In any event, the sale was effected without inviting the bids and public auction. Therefore, the order of sanction was required to be revoked on the substantive ground of prejudice to the benefit and interest of the trust.

8. I have carefully perused the impugned order. Learned Charity Commissioner was well within his rights in rejecting the application for revocation of the sanction order dated 31 July 2007. Firstly, the sanction

order dated 31 July 2007 is well reasoned and discloses full application of mind to the aspect of necessity of sale for the purpose of achieving the objects of the trust. The then Charity Commissioner had made efforts to secure optimum consideration by calling upon the highest bidder (R7) to enhance the amount of consideration substantially.

9. Secondly, the primary ground on which the allegation of fraud is sought to be substantiated is the omission to prefix article "The" in the application filed for seeking permission for sale and the documents annexed thereto. Learned Charity Commissioner has rightly recorded in the impugned order that it was not a case that there were two distinct trust and fraud was practiced on the Charity Commissioner by seeking permission of the Charity Commissioner to sell the property of one trust by applying in the name of another trust.

10. Thirdly, and in substance, the allegation of deceit coupled with injury, which is the linchpin of fraud, has not been, prima facie, made out.

11. In the aforesaid view of the matter, no interference is warranted with the impugned order in exercise of the supervisory jurisdiction.

12. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)