

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14936 OF 2025

Sonia Shivprakash Jangam & Ors ..Petitioners

Versus

The State of Maharashtra Through Govt Pleader ...Respondents
& Ors

Dr Veerendra Tulzapurkar, Senior Advocate, with Dhirendra S, i/b

Vidhii Partners, for the Petitioners.

Mr. Hamid Mulla, AGP, for Respondent Nos. 1 and 2.

Adv Saumya Goyal, i/b Amir Arsiwala, for Respondent No.5.

CORAM: N. J. JAMADAR, J.

DATE : 20th NOVEMBER 2025

ORAL ORER :

1. Heard Dr. Veerendra Tulzapurkar, the learned Senior Advocate for the Petitioners, Mr. Hamid Mulla, the learned AGP, for Respondent Nos. 1 and 2 and Ms. Saumya Goyal, the learned Counsel for Respondent No.5.

2. The challenge in this Petition is to an order dated 19th September 2025 whereby the learned Charity Commissioner has rejected an Application for grant of permission to sell the Trust property under Section 36(1) (a) of the Maharashtra Public Trust Act 1950.

3. Two factors principally weighed with the learned Charity Commissioner. First the Valuation Report submitted by the Rakesh Bacchav, the Government approved valuer, does not spell out as to why an and on what basis residential development area is reckoned as 20390 sq mtrs and only an area admeasuring 8156 sq mtr out of the total area has been considered to determine the market value of the property and why the total area 35700 sq mtrs of the land which the Petitioner Trust proposes to sell, has not been included.

4. Second, in the Memorandum of Understanding executed by the Public Trust with the highest bidder, it has been agreed that 50% of the consideration would be paid by the purchaser, within a period of two months after the execution of the Sale Deed, and the said condition was not in the interest and for the benefit and protection of the Trust.

5. Dr Tulzapurkar, the learned Senior Advocate for the Petitioners submitted that, the learned Charity Commissioner has not appropriately considered the Valuation Report and the fact that the major portion of the trust property proposed to be sold, is affected reservation and is non-developable. Secondly, the learned Charity Commissioner could have imposed appropriate conditions, in regard to the payment of consideration by the purchaser.

6. The Charity Commissioner exercises a *parens patriae* jurisdiction in granting sanction for the sale of the subject Trust property. In view of

the Full Bench Judgment in the case of **Sailesh Developers & Anr Vs Joint Charity Commissioner & Ors**,¹ the Charity Commissioner is empowered to impose conditions on which the sale shall be effected. If the Charity Commissioner was not satisfied with the Valuation Report or the Affidavit filed by the valuer, the Petitioner ought to have been granted an opportunity to place additional facts on record.

7. In these circumstances, as the object of the Trust may be defeated if the prayer of the Petitioner is not appropriately considered, this Court is of the opine that the matter is required to be remitted back to the Charity Commissioner for afresh consideration with liberty to the Petitioner to file a fresh Valuation Report addressing the concerns highlighted by the Charity Commissioner.

8. Hence, the following order:

: O R D E R :

- (i) Petition stands partly allowed.
- (ii) The impugned order stands quashed and set aside..
- (iii) The Application No.3 of 2025 is restored to the file of the learned Charity Commissioner for a fresh decision.
- (iv) The Petitioner is at liberty to file a fresh Valuation Report and Affidavit to address the concerns highlighted by the Charity Commissioner, in the impugned order.

1 2007(3) MhLJ 717.

(v) In the event the Charity Commissioner decides to grant the permission, the Charity Commissioner may impose appropriate conditions, including as to payment of consideration.

(vi) The learned Charity Commissioner is requested to decide the Application as expeditiously as possible and preferably within a period of two months from the Petitioner filing Valuation Report and further Affidavit.

No costs.

[N. J. JAMADAR, J.]