



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2272 OF 2022

PETITIONERS

Petitioner is transposed as
Res. No.1 vide Courts orde
r dt. 11.11.2025.

- PETITIONERS** :- 1 Vinayak Moreshwar Deshpande, Aged about major, Occu. Pensioner, R/o Badhe Square, Sawarkar Marg, Wardha (Org. NA-5 transposed as applicant)
- 2 Sanjay s/o Ratiramji Satdeve, Aged about major, Occu. Business, R/o Sable Plot, Dhantoli, Wardha.

..VERSUS..

RESPONDENTS

substituted R. No.1 vide
Court's order dt. 11.11.25.

- RESPONDENTS** :- 1 Shri Rammandir Deosthan, Pavnar, Wardha through its trustee Mr. Vinayak Moreshwar Deshpande, Aged about major, Occu. Pensioner, R/o Badhe Square, Sawarkar Marg, Wardha.

Amendment carried out as
per order dt. 11.11.2025.

- 2 Trimbak s/o Udhavrao Deshmukh, Aged Major, Occu. Pensioner, R/o Office of Vishwa Hindu Parishad, Dhantoli, Nagpur.

Deleted R. No.2 and 3 vide
Court order dt. 11.11.25.

- 3 Laxman s/o Madhavrao Deshmukh, Aged Major, Occu. Nil, C/o Adv. H. L. Deshmukh, Sudampuri, Wardha.
- 4 Avinash s/o Kishorchand Jaiswal, Aged Major, Occu. Business, R/o Yashwant Colony, Mohini Nagar, Nagpur Road, Wardha.
- 5 Smt. Pratibha w/o Avinash Jaiswal,

Aged Major, Occu. Household, R/o
Yashwant Colony, Mohini Nagar,
Nagpur Road, Wardha.

Mr. R. M. Bhangde, Advocate for Petitioners.

Mr. Anand Jaiswal, Senior Advocate a/b. Ms. R. G. Bajaj, Advocate for the
Respondent No.4 and 5.

CORAM : ROHIT W. JOSHI, J.

DATE : 19.12.2025

ORAL JUDGMENT :

1) **Rule.** Rule made returnable forthwith. Heard finally
with consent of learned Advocate for the respective parties..

2) The present petition takes exception to order dated
11.04.2022 passed by the learned Joint Charity
Commissioner, Nagpur, on application at Exh.44 in
Application No.1 of 2014.

3) The dispute pertains to Shri Rammandir Deosthan,
Pavnar, which is a public trust registered under the
Maharashtra Public Trusts Act, 1950. Vide judgment and
order dated 25.10.2011, the learned Joint Charity
Commissioner, Nagpur, granted permission for the sale of
agricultural land owned by the Trust, *inter alia* permitting the

Trust to sell the property to the present respondent Nos. 4 and 5. The petitioners have filed application No.1 of 2014 seeking revocation of the judgment and order dated 25.10.2011, by virtue of which the aforesaid permission for sale of the property was granted.

4) The petitioner filed an application vide Exh.44, *inter alia* praying that the learned Joint Charity Commissioner should frame issues in the matter and permit the parties to lead oral evidence. The said application came to be rejected by the learned Joint Charity Commissioner vide order dated 11.04.2022, which is subject matter of challenge in the present petition.

5) Mr. Bhangde, learned Advocate for the petitioner, contends that the learned Joint Charity Commissioner ought to have permitted the petitioner to lead evidence in the present proceedings, since revocation of judgment and order dated 25.10.2011 is sought on the ground of fraud. He contends that when a case of fraud is set up by any party, it is appropriate that the Court or Authority dealing with the same frames proper issue and permits parties to lead evidence.

6) Mr. Anand Jaiswal, learned Senior Advocate appearing for respondent Nos.4 and 5 states that the said respondents do not have any objection with respect to the contention of the petitioner that the parties must be permitted to lead evidence. He, however, contends that permission to lead evidence should be restricted to the mandate of Section 36(2) and that the Joint Charity Commissioner, while dealing with an application under Section 36(2) cannot entertain every challenge as if it is sitting in appeal over the initial order granting permission to sell the property. Drawing attention to the said provision, the learned Senior Advocate contends that a permission granted under Section 36(1) can be revoked only on the ground that fraud or misrepresentation or concealment of material facts in obtaining the sanction. He further states that if the issues and evidence are restricted to these three aspects, then respondent Nos.4 and 5 will not have any objection for framing of issues or points for determination, as also, for granting opportunity to both sides to lead evidence in support of their respective contentions.

7) Mr. Bhangde, the learned Advocate for the petitioner contends that every fact pleaded in the application under Section 36(2), which is traversed by the contesting respondent, will give rise to an issue and that all such issues must be framed by the learned Joint Charity Commissioner and parties should be given opportunity to lead evidence on the same. He contends that relevance of the evidence led by rival parties can be decided by the learned Joint Charity Commissioner while deciding the application under Section 36(2) of the Act.

8) I am afraid that the said contention cannot be accepted. The jurisdiction of the Charity Commissioner to revoke permission granted under Section 36(1) is circumscribed by the Section 36(2). Jurisdiction of the learned Charity Commissioner is restricted to four corners of Section 36(2) which provides that permission under Section 36(1) can be revoked only in case of fraud, misrepresentation and suppression of material facts. In view of the aforesaid, I find myself in agreement with the submissions canvassed by the learned Senior Advocate for the

respondent Nos.4 and 5 that the issues in the matter and evidence to be led by the parties needs to be restricted to alleged fraud, misrepresentation and suppression of material facts in obtaining sanction for sale, as provided under Section 36(2) of the Act.

9) In view of the above, the petition is partly **allowed** in the following terms:-

- i. Order dated 11.04.2022 passed by the learned Joint Charity Commissioner, Nagpur, on application at Exh.44 in Application No.1 of 2014 is quashed and set aside.
- ii. Application at Exh.44 in Application No.1 of 2014 pending on the file of Joint Charity Commissioner, Nagpur, is partly allowed by directing the Joint Charity Commissioner to frame issues on the aspects of fraud, misrepresentation and concealment of material facts, in light of the rival pleadings and to permit the parties to lead evidence on the said aspects.
- iii. Since the proceeding is now pending for a period of over 11 years, it will be expedient that the same is decided expeditiously and in any case, on or before **30.06.2026**.

The learned Joint Charity Commissioner is requested to decide the application within the aforesaid time frame.

Rule is made absolute in above terms.

(ROHIT W. JOSHI, J.)

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