

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4200 OF 2018

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Jehangir Ardeshiv Rabadi & Ors. ... Petitioners
V/s.
The Charity Commissioner & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.2546 OF 2026
IN
WRIT PETITION NO.4200 OF 2018**

Jehangir A Rabadi ... Applicant
In the matter between
Jehangir Ardeshiv Rabadi & Ors. ... Petitioners
V/s.
The Charity Commissioner & Ors. ... Respondents

Mr. Mohd. Zahid Batt i/b L. J. Law, for the Petitioners/
Applicants.

Mrs. V. R. Raje, AGP, for the State – Respondent.

Ms. Kalyani Deshmukh i/b FZB & Associates, for
Respondent Nos.2 and 4 to 7.

Mr. A. Z. Mookhtiar a/w Arshaan L. i/b K Ashar & Co,
for Respondent Nos.8 and 9.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2026

P.C.:

INTERIM APPLICATION NO.2546 OF 2026

1. For the reasons stated in the application, the same is
allowed.

2. The interim application stands disposed of.

WRIT PETITION NO.4200 OF 2018

3. By the present petition filed under Article 227 of the Constitution of India, the petitioners have challenged the order passed by the Charity Commissioner rejecting their application under Section 36(2) of the Maharashtra Public Trusts Act seeking revocation of the permission granted under Section 36(1) of the said Act. The petitioners claim to be tenants in the subject property. The application for revocation was principally founded on the grounds that the petitioners, being tenants of the property, were entitled to a hearing before grant of permission under Section 36(1) of the Act and that no such opportunity was given to them.

4. It is further contended on behalf of the petitioners that in the tender process, the successful purchaser was originally the third highest bidder and that the acceptance of the bid in favour of such bidder was improper and contrary to the prescribed procedure.

5. The Charity Commissioner considered the aforesaid contentions raised on behalf of the petitioners and examined the entire bidding process, including the circumstances in which the offer of the third highest bidder came to be accepted.

6. Upon such consideration, the Charity Commissioner recorded a finding that though higher offers had initially been received, the first two highest bidders failed to comply with the directions issued by the Joint Charity Commissioner requiring them to deposit 50% of the bid amount. As they failed to deposit

the requisite amount within the stipulated period, the third highest bidder, having complied with all the conditions and deposited the amount as directed, was declared the successful bidder. It was further noted that the successful bidder had offered a sum of Rs.61,00,000/-, whereas the valuation report assessed the market value of the property at Rs.52,78,000/-.

7. Insofar as the contention regarding the petitioners being tenants and, therefore, entitled to a hearing is concerned, in my view, a tenant of the trust property is not a necessary party to proceedings under Section 36 of the Maharashtra Public Trusts Act. The scope of powers under Section 36(2) is limited to revocation of a permission granted under Section 36(1) upon satisfaction that such permission was obtained by fraud, forgery or misrepresentation. Neither the grounds urged by the petitioners nor the material placed on record demonstrate that the trust obtained the permission by practising fraud upon the Charity Commissioner or by making any misrepresentation.

8. The record further indicates that the auction process was conducted by the Joint Charity Commissioner in a fair and transparent manner. The consideration offered by the successful bidder was substantially higher than the value reflected in the valuer's report. In these circumstances, the Charity Commissioner was justified in rejecting the petitioners' application seeking revocation of the permission granted under Section 36(1) of the Act.

9. Insofar as reliance placed upon the judgment of the Division Bench of this Court in *S. Kumar Developers and Builders v. Bhimrao and Others*, reported in 2012 SCC OnLine Bom 2308, is concerned, the said decision turned on its own facts. In that case, the property involved was agricultural land proposed to be transferred without obtaining the requisite permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act. The facts of the present case are clearly distinguishable. Moreover, if the petitioners are tenants and enjoy protection under the Maharashtra Rent Control Act, their tenancy rights, if any, would continue to be governed by law, the transfer of the trust property.
10. In the aforesaid circumstances, no illegality, perversity or jurisdictional error can be found in the impugned order.
11. The petition is, accordingly, dismissed. No order as to costs.

(AMIT BORKAR, J.)