

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1862 OF 2026

Tulu Seva Sangh Nashik

..Petitioner

Versus

State of Maharashtra Through Its Assistant Govt
Pleader & Anr

...Respondents

Mr. Ameer Sayyed, with Vinayak Pandit, i/b Ajinkya Udane, for the
Petitioner.

Ms. Mamta S. Srivastava, AGP, for Respondent Nos. 1 and 2-State.

CORAM: N. J. JAMADAR, J.

DATE : 23rd FEBRUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 17th November 2025 passed by the learned Joint Charity Commissioner, Nashik, whereby an Application preferred by the Petitioner-Trust, for grant of sanction for the sale of Trust-property, under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950, came to be rejected on the ground that the Petitioner has not placed on record the Resolution passed in the Extraordinary General Body Meeting of the Trust in accordance with Rule 12 of the Rules and Regulations of the Trust.

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3. The learned Counsel for the Petitioner submits that in the Application in paragraph 11 reference was made to the said Rule 12 and a Resolution envisaged by the said Rule 12 was indeed passed. However, inadvertently copy of the said Resolution was not annexed to the Application.

4. Attention of the Court was invited to a copy of the Resolution annexed to the Petition (Exhibit “B”).

5. In view of the aforesaid submissions, and having regard to the facts that the Application was uncontested and the non-production of the Resolution principally weighed with the learned Joint Charity Commissioner, this Court considers it expedient in the interest of justice to set aside the impugned order and remit the matter back to the Joint Charity Commissioner for afresh decision with liberty to the Petitioner to file an appropriate Affidavit and place on record the Resolution passed in the Extraordinary General Body Meeting of the Petitioner-Trust.

6. Hence, the following order:

: O R D E R :

- (i) Petition stands partly allowed.
- (ii) The Application No. 37 of 2022 stands remitted back to the Joint Charity Commissioner, Nashik.

(iii) The Petitioner is permitted to file an Additional Affidavit and place on record the Resolution passed in the Extraordinary General Body Meeting dated 1st May 2022 of the Petitioner-Trust, within a period of four weeks from today.

(iv) The learned Joint Charity Commissioner, Nashik, is requested to decide the Application afresh after considering the aforesaid material.

[N. J. JAMADAR, J.]