



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

WRIT PETITION NO. 4385 OF 2025

Shri Rampratap Ramchand Dharmadai Fund, Dhamangaon
Railway, District – Amravati, P.T.R.No.A-645/Amravati, Through
its Managing Trust Vishal Gajanan Agrawal, Aged 35 years,
R/o Nerparsopant, Tah. Nerparsopant, District Yavatmal.

PETITIONER

VERSUS

The learned Joint Charity Commissioner, Amravati
Region, Amravati.

RESPONDENT

Shri A.S. Dhore, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 16, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Trust challenges the judgment and order dated 23.10.2024 passed by respondent-Joint Charity Commissioner, Amravati rejecting an application under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950 for grant of sanction to sell the trust property.

3. By an application submitted on behalf of the petitioner-Trust, a permission was sought to sell the trust property for raising funds for construction of a 'Marriage Hall', which is rejected by the respondent by observing that the need mentioned by the Trust does not appear to be genuine since the trust has failed to start the construction of the 'Marriage Hall' despite availability of funds.

4. The petitioner-Trust has come up with a case that it is owner and in possession of the land admeasuring 10000 square feet bearing Block no.221 (Survey no.106). Since the said property was not found useful for the Trust and since the same was being used by the anti-social elements, the Trust unanimously decided to sell the said property and construct a 'Marriage Hall', which required funds to the tune of Rs.2,21,50,000/-. For this purpose, the Trust had initially resolved to sell its fallow land admeasuring 8 Hectare 44 Are of Block no.42 (Survey no.15) situated at Bhagwadi, Taluka Babhulgaon, District Yavatmal and on the basis of sanction by the Joint Charity Commissioner by order dated 05.06.2024, the land was sold for a consideration of Rs.85,80,000/-. However, the estimated cost for construction of the 'Marriage Hall' was Rs.2,21,50,000/- and therefore permission was sought for selling another property i.e. Block no.221 (Survey no.106). Under these circumstances, it is submitted that it was not possible for the Trust to commence with the construction since entire funds were not available and as such, there is no question of lack of bona fides on its part in not commencing the construction of the 'Marriage Hall'.

5. The learned counsel for the petitioner-Trust submitted that the Trust infact desires to construct the 'Marriage Hall' by raising the total amount of funds and for the said purpose, the permission to sell the property bearing Block no.221 (Survey no.106) was required to be granted.

6. While considering the controversy, it has to be seen that the Trust would be in a position to commence construction of 'Marriage Hall' only after the entire amount required for completion of construction becomes available with the Trust. The inferences drawn by the Authority that the grounds raised for grant of permission are fictitious, concocted and imaginary does not appear to be convincing.

7. A perusal of the impugned order shows that this crucial aspect needs to be re-considered to ascertain the bonafides of the Trust and therefore in the interest of justice the matter needs to be remanded to the respondent for re-consideration. The petitioner-Trust is entitled to demonstrate before the respondent the requirement for raising the additional funds and its readiness to commence the construction of 'Marriage Hall' after the availability of funds.

8. In view of above discussion, the writ petition is partly allowed. The order dated 23.10.2024 passed by the respondent-Joint Charity Commissioner, Amravati is quashed and set aside. The matter is remanded to the respondent for deciding it afresh after giving an opportunity of hearing to all the parties concerned. Rule accordingly. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)