



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

WRIT PETITION NO.6146 OF 2025

DNYANPATH BAHU-UDDESHIYA SHIKSHAN PRASARAK MANDAL,
NAGPUR, THR. VICE PRESIDENT, B. K. DEO

VERSUS

JOINT CHARITY COMMISSIONER, NAGPUR

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. S.D. Abhyankar, Advocate for Petitioner.
Ms. P.T. Joshi, AGP for Respondent-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 13th FEBRUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioner Trust.
2. The petitioner Trust has challenged the order dated 15.09.2025, passed by the respondent Joint Charity Commissioner-1, Nagpur, rejecting the petitioner's application under Section 36-A(3) of the Maharashtra Public Trusts Act, 1950.
3. Learned Advocate for the petitioner Trust submits that, by the impugned order, permission is rejected to the petitioner Trust to avail term loan of Rs.8 Crore from HDFC Bank, for the purpose of construction of a hostel on the property in question. He submits that,

although a document of lease deed with respect to the property in question was placed on record showing that the lease was valid for 25 years commencing from 10.10.2020 till 09.10.2045, the respondent authority has observed that it is a legal requirement that the period of lease deed should have been for 30 years or more. He submits that this observation/inference is without any basis. He submits that as far as the inferences recorded in paragraph 8 of the impugned order that after the period of 25 years, which is the validity period of lease, the petitioner Trust would have no legal rights on the property in question, all these observations are recorded without any opportunity of hearing to the petitioner Trust. He submits that these aspects are mentioned, directly by way of inferences, in the impugned order and the petitioner Trust is entitled for grant of an opportunity to address all these aspects.

4. In view of these contentions, the petitioner Trust is entitled to demonstrate all the relevant aspects for the purpose of obtaining permission under Section 36-A(3) of the Maharashtra Public Trusts Act. Therefore, in order to grant one opportunity to the petitioner Trust, it is in the interest of justice to remand the matter to the Joint Charity Commissioner for considering the application afresh. Hence, following order is passed.

ORDER

- I) The order dated 15.09.2025, passed by the respondent Joint Charity Commissioner-1, Nagpur, is quashed and set-aside.
- II) The matter is remitted to the respondent, for deciding the application afresh, after giving an opportunity of hearing to the petitioner Trust.
- III) The respondent is directed to decide the proceedings expeditiously.
- IV) The petitioner Trust is directed to appear before the respondent on 23rd February 2026 and invite its attention to this order.
- V) The writ petition is disposed of.
- VI) No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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