



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

WRIT PETITION NO.2067 OF 2026

Shri Natwarlal Ishwarlal Babre

Vs.

Dr. Babasaheb Ambedkar Shikshan Sanstha, Mangrulpir & Anr.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.D. Abhyankar, Advocate for the Petitioner.

Mr. Abhishek Tripathi, Advocate for Respondent No.1.

Ms. P.T. Joshi, AGP for the Respondent No.2/State.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 30th MARCH, 2026

1. Heard learned counsel for the petitioner.
2. Issue notice to respondents.
3. Advocate Mr. Tripathi, appears and waives service of notice on behalf of respondent No.1.
4. Learned AGP waives service of notice on behalf of respondent No.2/State.
5. Petitioner's challenge is to the order dated 06.01.2026 passed by the Joint Charity Commissioner, Amravati by which the objection filed by the petitioner in the proceedings under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950 (for short "the Act") initiated by the respondent No.1, came to be rejected.
6. The petitioner/objector claiming to be the great-grandson of late Shri Sitaram Ganpatji Babare, had filed an objection in the proceeding under Section 36(1)(a) of the Act, which is an application filed by the Trust for permission to sell Commercial Plot No.1, which was donated by the petitioner's great grandfather namely Shri Sitaram Ganpatji Babare.

7. The primary contention of the learned counsel for the petitioner is that even though, the Trust has got other properties, the decision to sell the property in question is contrary to the very reason for donation by his grandfather. He further submits that while considering the objection filed by the petitioner, the Joint Charity Commissioner, failed to consider the fact that undisputedly, the petitioner is great-grandson of the donor and is entitled to raise such objection. He also submitted that while considering the objection filed by the petitioner the Joint Charity Commissioner has recorded findings regarding the necessity of granting permission to the Trust and thus, the impugned order is passed with a pre-determined approach.

8. Per contra, Advocate Mr. Tripathi, learned counsel for the respondent No.1-Trust, opposed the petition and vehemently submitted that the main application under Section 36(1)(a) of the Act, is subject matter of adjudication before the Authority. He also submitted that the petitioner, claiming himself to be the great-grandson does not have locus to raise objections in the said proceeding and the petitioner cannot fall in the category of 'person having interest' as defined under Section 2(10) of the Act. In support of his submissions, he placed reliance on the judgment of Coordinate Bench of this Court in the matter of ***Maganlal Himatram Barfiwala and Others Vs. Mridangraj Hiralal Suchak*** reported in ***2019 SCC OnLine Bom 336***.

9. On perusal of the impugned order, it appears that the Authority has recorded its observations that the petitioner failed to place on record any document to show that he is great-grandson of the donor. Thereafter, the Authority has considered the contentions of the petitioner visa-a-viz the application filed by the Trust seeking permission under Section 36(1)(a) of the Act. While

referring to the contentions, the Authority has observed that the efforts of the Trust are to construct a new building of “Siddharth Vidyalaya and Boys Hostel” by utilizing a portion of the land. The Authority has further observed that this kind of application for permission to sell Commercial Plot No.1 is a kind of adjustment of the Trust and cannot be considered to be use of the land contrary to the intention of the donor.

10. It is pertinent to note that these observations have been recorded by the Joint Charity Commissioner while considering the objection of the petitioner and it has been specifically observed that application under Section 36(1)(a) of the Act, is subject matter of scrutiny of the main application on merits. It is also observed in para No.18 of the impugned order that the Authority shall consider each and every relevant aspect under Section 36(1) (a) of the Act, at the stage of adjudication of the matter on merits.

11. While considering the contentions raised by the petitioner, it is beneficial to refer to the legal position as laid down by the Coordinate Bench of this Court in ***Maganlal Himatram Barfiwala (supra)*** in which, while dealing with an identical objection raised by the great grandson of the donor, it is observed that such a person not being trustee or beneficiary cannot be considered as person having interest. In view of this legal position, the contentions canvassed by the petitioner cannot be accepted.

12. A perusal of impugned order shows that the Joint Charity Commissioner has given due consideration to the contentions canvassed on behalf of the objector and by considering the factual and legal aspects has passed a well reasoned order.

13. It is however clarified that the observations about the contentions with respect to use of land being contrary to the intention of the donor or not, be treated only as *prima-facie*

observations for the purposes of deciding the objection. It is also clarified that while considering the main application under Section 36(1)(a) of the Act, the Authority shall consider the matter independently, on its own merits and without being influenced by the said observations.

14. In view of above, no perversity is seen with the reasoning recorded in the impugned order, warranting indulgence under Article 227 of the Constitution of India. the writ petition is accordingly **dismissed** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel