

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
 WRIT PETITION (L) NO.987 OF 2015

Brihad Bharatiya Samaj

...

...Petitioner

v/s.

State of Maharashtra & anr.

...Respondents

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Mr.M.A.Vaid and Ms.Vidhya N.Shet and Ms.Srushti Thakkar for the
 Petitioner.

Mr.D.A.Nalawade, GP for the State.

...

CORAM : A.A. SAYED, J.

DATED : 22 APRIL 2015

P.C.:

The challenge in this Petition is to the order dated 1 December 2014 passed by the Joint Charity Commissioner, Mumbai rejecting the Application of the Petitioner filed under section 36(1)(a) of the Maharashtra Public Trusts act, 1950.

2. It is noticed that the advertisement was published in October 2010 for the sale of two flats. The prices of the two flats in question must have substantially escalated by now. The Petitioner has not even stated in the Application in what manner the amount of sale-proceeds would be applied.

3. Considering overall facts and circumstances of the case, in my view, it would be appropriate to remit the matter back to the Joint Charity Commissioner to decide the Application of the Petitioners afresh without

being influenced by the impugned order or this order. To facilitate a fresh decision the impugned order is set aside. It will be open for the Petitioners to place further material before the Joint Charity Commissioner. It would also be open for the Joint Charity Commissioner to give directions for publication of a fresh advertisement for sale of the property. It is made clear that this Court has not expressed any opinion on the merits of the matter and all contentions are left open. The Joint Charity Commissioner shall decide the Application expeditiously and in any event by the end of the year 2015.

4. The Petition is disposed of accordingly.

(A.A. SAYED, J.)

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