

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1931 OF 2014

Dhananjay Himmatlal Trivedi	}	Petitioner
versus		
The Charity Commissioner	}	
and Ors.	}	Respondents

Ms. Jyoti Chavan for the petitioner.

Mr. Bharat Mehta - AGP for respondent
no. 1.

Ms. Prerna R. Lalchandani for respondent
nos. 3 and 4.

CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.

DATED :- APRIL 7, 2016

P.C. :-

The petitioner seeks the following reliefs:-

"a) this Hon'ble Court be pleased to issue a writ of mandamus or any other Writ in similar nature directing the Respondent No. 1 to hold open auction in accordance with law and grant permission under 36A to such party as he deems, fit and proper and for such price as may be decided by him on merits of the facts involved herein within a period of 3 months;

b) in alternative to the same this Hon'ble Court be pleased to hold open auction in this Hon'ble Court in respect of the sale of the Trust Property and declare the highest bidder and direct the Respondent No. 1 to grant permission under 36-A of the Bombay Public Trust Act to such highest bidder in the interest of the Trust;

c) for such further and other orders as this Hon'ble Court may deem fit and proper."

2) What we find is that the petitioner claims to be a trustee. That trust had filed an application under section 36(1) of the Bombay Public Trust Act, 1950. That is seeking permission to dispose of a trust property.

3) The petitioner states that a fresh bid was invited and what appears is that the first or the initial application under section 36(1) of the above Act seeking permission/prior sanction of the Charity Commissioner to sell the property came to be withdrawn and fresh application was filed. That application was withdrawn because the sale could not be concluded in favour of M/s. Balaji Builders. The withdrawal itself was challenged in this court by way of a writ petition being Writ Petition No. 1162 of 2010. Now, this court directed the issuance of fresh notice and permitted everyone to participate. It appears that after the order passed by this court, fresh public notice was issued and bids came to be invited, but proceedings in that behalf are not concluded. Thus, an attempt to sell the trust property from 2008 is not fructifying.

4) We do not see how an application and which is filed more than 6 years prior to this petition can be now directed to be disposed of. It is for the petitioner to adopt such proceedings, including filing a fresh application in the event it is desirous of

disposing of the trust property. This petition is entirely misconceived and is dismissed.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)