

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2226 OF 2018

EKVIRA DEVI AND RENUKA MATA TRUST THROUGH SOMNATH NIMBA
GURAV
VERSUS
ASSISTANT CHARITY COMMISSIONER AND OTHERS

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Advocate for the Petitioners : Shri S.P.Brahme h/f Shri Bhamre Manish V.

AGP for Respondent 1 : Shri V.S.Badakh.

Advocate for Respondents 2 to 6 : Shri M.M.Jadhav.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 24th February, 2018

Per Court:

1 I have considered the submissions of the learned Advocate for the Petitioner and the learned Advocate for Respondent Nos.2 to 6/ Trustees, who are supporting the Petitioner. I have also considered the submissions of the learned AGP on behalf of Respondent No.1.

2 Considering the entire submissions of the learned Advocates and upon going through the petition paper book and especially, the observations of the learned District Judge in paragraphs 7, 8 and 9 of the impugned order dated 15.02.2018, I do not find that the impugned order could be termed as being perverse or erroneous. The auction is for the prospective offerings to the deity. Such auctions are always subject to

speculation. Considering that the learned District Judge has noted the discrepancies in the maintenance of account and ornaments of the deity, I find it appropriate that the auction should proceed as per the schedule.

3 The learned Advocate for the Petitioner has voiced a serious apprehension that there is possibility that there may not be bidders who could bid above the base auction price of Rs.7 lac which is termed as offset price.

4 Considering the above, I deem it appropriate to dispose of this Writ Petition by permitting the auction to proceed as per the schedule.

5 In the event of the failure of the auction, the Petitioner and Respondent Nos.2 to 6 are at liberty to approach the learned District Court by making an application under Section 56-A of the Maharashtra Public Trusts Act and the learned District Judge would then consider the said application expeditiously and on its own merits.

6 With the above observations, this Writ Petition is disposed of.