

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

WRIT PETITION NO. 1716 OF 2018

**CHETAN POPATLAL BHALGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr Narwade Narayan B.
AGP for Respondents: Mr S B Pulkundwar

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CORAM : N.M. JAMDAR, J.
Dated: November 22, 2018

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ORAL ORDER :-

Heard the learned counsel for the petitioner.

2. After arguing the matter for some time, the learned counsel for the petitioner, seeks leave to withdraw this writ petition stating that the petitioner will participate in the process, if the respondent/public trust puts up the property for sale in future. He states that, the amount that has been deposited with the Society be permitted to be withdrawn.

3. Even otherwise there is no merit in the petition as it

appears that the respondent/public trust had put up the property for sale and had applied to the Charity Commissioner under section 36 (1) of the Maharashtra Public Trusts Act. The Charity Commissioner has found that the bids received were not commensurate with the valuation of the property and has rejected the application giving liberty to the trust to apply again. Therefore, if the public trust puts up the property for sale by following the process as laid down under the Act, like any other bidder the petitioner is always entitled to submit his bid.

4. As regards return of the amount is concerned, if the amount is so deposited with the Society as contended, it is open to the petitioner to seek withdrawal of the same. If the society does not return the amount to the petitioner, the petitioner has his remedies open in law. As regards the claim of the petitioner to return of the amount with interest is concerned, if the petitioner is entitled to in law, it is open for the petitioner to claim interest on the said amount.

5. With these observations, writ petition is disposed of.

(N.M. JAMDAR, J.)

aaa/-

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