

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 4269 OF 2018****Shree Chhatrapati Shikshan Sanstha****..... Petitioner****VERSUS****Joint Charity Commissioner & Ors.****..... Respondents**

Mr.Tushar Jadhav for the Petitioner.

Mr.Umanath M., i/b. Priya and Associates Legal Solution for the Respondent no.3.

Mr.S.H.Kankal, A.G.P. for the State – Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 31st JULY, 2018****P.C.**

The petitioner has impugned the order dated 19th January,2018 passed by the learned Joint Charity Commissioner rejecting the application filed by the petitioner under section 36(1)(a) of the Maharashtra Public Trusts Act, 1950.

2. The application is rejected on various grounds including the ground that the petitioner had not published any public notice before execution of the MOU with the another trust and also on the ground of valuation. Mr. Jadhav, learned counsel appearing for the petitioner submits that his client is ready and willing to publish a public notice for sale of the property in question Statement is accepted.

3. The learned Joint Charity Commissioner shall consider the application filed by the petitioner afresh after publishing a public

notice by the petitioner and a fresh valuation report is obtained by the petitioner. The learned Joint Charity Commissioner also would be at liberty to seek another valuation report before considering the said Application No.532 of 2017 filed by the petitioner under section 36(1) (a) of the Maharashtra Public Trust Act, 1950.

4. The learned Joint Charity Commissioner shall decide the said application afresh without being influenced by the observations made and the conclusion drawn in the impugned order dated 19th January,2018. The impugned order is substituted by this order.

5. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

[R.D. DHANUKA, J.]