

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

WRIT PETITION NO. 12210 OF 2019

NAGNATHAPPA SHANKARAPPA MATHWALE AND
ANOTHER
VERSUS
THE JOINT CHARITY COMMISSIONER AURANGABAD

...
Advocate for the Petitioners : Shri U. B. Deshmukh
AGP for the Respondent -State : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 19th NOVEMBER, 2019.

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PER COURT :

1. The petitioners are an aged couple, who are aggrieved by the order dated 05/05/2016 passed in Inquiry No. 85/2016 by the respondent.

2. I have heard the learned Advocate for the petitioners and the learned AGP.

3. The petitioners, who claim to be the principal trustees of the religious trust namely Shri "Mahadeo Deosthan Math Degloor" registered under the Maharashtra Trust Act, had moved Inquiry No.09/2010 invoking Section 36(i) (a and b) for permission to sell/

alienate land admeasuring 3 Hectors and 52 R. in Gat No. 134 (new Gat No. 133). The said land belongs to the trust. The respondent had passed an order on 23/02/2011 permitting the sale.

4. Since 5 years have passed away pursuant to the above order, the petitioners moved the respondent for seeking fresh tenders so that the property would fetch a better price. The respondent has rejected the said application by imposing costs of Rs. 500/-, by the impugned order.

5. In my view, the respondent should be more concerned about the procedure that is required to be followed for selling any property of a trust and that such sale should fetch maximum price for the trust. In that view of the matter, with the passage of 5 years, the respondent should have adopted a pragmatic approach.

6. Now that about 8 and 1/2 years have lapsed pursuant to the initial order, I find that it would be in

the interest of the trust to seek a fresh permission and fresh tenders for the sale of the property. Needless to state, the respondent can monitor such sale and ensure that the public notice calling for tenders would be published in the largest circulated newspaper in District Nanded.

7. In view of the above, this petition is allowed. The impugned order dated 05/05/2016 is quashed and set aside and the petitioners are at liberty to file a fresh application before the respondent for seeking permission to dispose off the said property. The respondent shall ensure that the procedure for such sale is strictly followed.

(RAVINDRA V. GHUGE, J.)

s0hp/-