

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3654 OF 2019

Vinesh Digambar Sathe and anr. : Petitioners.

Versus

The Charity Commissioner, Mumbai & anr. : Respondents.

**Mr. Girish Utangale a/w Mr. Saurabh Utangale i/by Utangale and Co. for
the Petitioners.**

Mr. C D Mali, AGP, for the Respondent No.1.

CORAM : S. S. SHINDE, J

DATE : 22nd March 2019

P.C.

1 Heard the learned counsel for the Petitioner. He submits that the Petitioner has locus to challenge the impugned order. He submits that ultimately the Petitioners are the sufferer. It is submitted that the observations made in the impugned order that the government valuation of the subject plot of Rs.82,99,200/- is contrary to the record and in fact the Petitioner's offer was Rs.53,00,000/-. There were only two bidders, one is of the Petitioner and another is the son of the Petitioner. In all fairness the bid of the Petitioner ought to have been accepted.

2 On the other hand the learned AGP appearing for the Respondent No.1 supports the reasons assigned by the Joint Charity Commissioner in the impugned order. He submits that in the first place the Petitioner has no locus to challenge the impugned order since the Application was filed by the

Respondent No.2 under Section 36(1)(a) of the Maharashtra Public Trust Act, 1950 for getting permission to sell the subject property was rejected by the Joint Charity Commissioner, and in real sense the aggrieved party should have been the Respondent No.2 and not the Petitioner. It is further submitted that by any stretch of imagination the offer given by the Petitioner of Rs.53,00,000/- for the subject property is much below the government valuation and the same should not have been accepted and therefore the reasons assigned in the impugned order by the Charity Commissioner in rejecting the application are plausible reasons.

3 Upon hearing the learned counsel for the parties and upon perusal of the reasons assigned in the impugned order, in my view, there is no merit in the present Petition. Admittedly the application under Section 36(1)(a) of the said Act was filed by the Respondent No.2. The learned Joint Charity Commissioner has passed the impugned order dismissing the said application filed by the Respondent No.2. The Respondent No.2 has not filed any proceedings to challenge the order passed by the Joint Charity Commissioner dismissing the said application. It is observed by the Joint Charity Commissioner in the impugned order that the rates of the government valuation of the plot will be about Rs.82,99,2000/-. The learned Joint Charity Commissioner, in the impugned order, has mentioned the location of the subject plot and its connectivity with the railway station etc.

4 Considering the findings recorded by the learned Joint Charity Commissioner in the impugned order and also considering the fact that the aggrieved party is the Respondent No.2 herein and not the Petitioner, this Court is not inclined to entertain the present Petition. Since the findings recorded by the learned Joint Charity Commissioner appear to be correct, no case for interdiction in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. Needless to state that if the Petitioners have any other remedy in law for the other grievance about the Petitioners' long standing possession, they may agitate the same before the appropriate forum. Needless to further state that the observations made herein above for adjudication of the present Writ Petition will not come in the way of the Petitions in agitating their aforesaid grievance.

[S. S. SHINDE , J]