

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

WRIT PETITION NO.2600 OF 2020

SHRI GANPULE DATTA MANDIR SANSTHAN DHULE THROUGH ITC
VICE PRESIDENT
VERSUS
THE JOINT CHARITY COMMISSIONER NASHIK REGION

...
Advocate for the Petitioner : Shri Thoke Dhananjay B.
AGP for the Respondent : Shri S.K.Tambe

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th February, 2020

Per Court:

1 The petitioner Trust is aggrieved by the judgment dated 11.06.2018 delivered by the learned Joint Charity Commissioner, Nashik by which, the application seeking permission to sell the part of the trust property has been refused under Section 36(1)(a) of the Maharashtra Public Trusts Act.

2 I have considered the submissions of the learned advocate for the petitioner and the learned AGP and have gone through the amended provisions under the Maharashtra Public Trusts Act, in connection with the sale of trust property. Considering the amended provision under Section 36(5) permitting the sale of property and then moving the Charity Commissioner for grant of ex-post facto sanction, I find that there is

possibility that such provision may create complications if the competent authority declines to grant ex-post facto sanction on any ground and especially on the ground of the property having been sold at a lesser price than the actual valuation of the property.

3 Notwithstanding the above, the learned advocate for the petitioner submits that five years have passed by since the first application was made and therefore, the petitioner is inclined to move a fresh application under Section 36(1) and the Joint Charity Commissioner may be directed to allow the petitioner to publish the proclamation or public notice in daily “Sakal”, Dhule edition as it has largest circulation in the said region.

4 In view of the above, this Writ Petition is disposed off with liberty to the petitioner to make a fresh application to the learned Joint Charity Commissioner, Nashik. The said authority is at liberty to direct the petitioner to have the proclamation/ public notice published in daily “Sakal”, Dhule edition. So also, it would be at liberty to consider the ready-reckoner and market value of the property sought to be sold, while considering the application.