

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5645/2018

Shri Ambadas Vasudeoraoji Patil

...Versus...

The Joint Charity Commissioner, Amravati Region, Amravati
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.P. Thakare, Counsel for petitioner
Mrs. M.A. Barabde, AGP for respondent no.1

CORAM : AVINASH G. GHAROTE, J.
DATE : 03/03/2020

1. Heard learned Counsel for the petitioner and learned Assistant Government Pleader for the respondent no.1.
2. The present petition challenges the judgment dated 6/12/2017, passed by the Joint Charity Commissioner, Amravati Division, Amravati, whereby the application as filed by the petitioner under Section 36 (1) (A) of the Maharashtra Public Trusts Act for permission to sale the Trust property in order to generate funds for renovation of the temple has been rejected. It is submitted that there is an estimated need of funds to the tune of Rs.23,75,000/-

for renovation of the temple, the Trust is having 44 acres of land, as against which the property bearing Gat no.83, admeasuring 3.18 acres only is sought to be sold. It is submitted that the sale of the said property shall not cause any detriment to the assets of the Trust, as substantial assets in the form of agricultural land would still remain available.

3. Having heard learned Counsel for the petitioner and learned Assistant Government Pleader for the respondent no.1, I do not find any fault in the impugned judgment, as passed by the Joint Charity Commissioner, Amravati Division, Amravati. The record demonstrates that if the agricultural land admeasuring 44 acres, as held by the Trust, is put to proper use, the same can generate income, which would be more than enough to meet the requirements of the Trust. In fact, in the year 2013, a portion of land was put to cultivation, from which an income of Rs.85,000/- was received. There is nothing on record to show that the other lands available, have been put to beneficial use. That apart, the Trust has already expended Rs.2,97,955/- towards renovation of the temple from the donations received from the devotees. As against this, the Trust has received an offer of Rs.90,000/- per acre for the land of Gat No.83 admeasuring 3.18 acres, which would hardly be a sum of Rs.3,10,000/-, which would be of

no assistance, considering the extent of expenses estimated. That apart, the offer was in the year 2012, from which date till today it has not been demonstrated as to what beneficial use the properties of the Trust have been put to so as to generate income.

4. This being the position, in my opinion, the impugned judgment does not suffer from any infirmity and the writ petition being devoid of any merits, it is dismissed. No costs.

JUDGE

Wadkar, P.S.