

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

WRIT PETITION NO. 254 OF 2022

Mahesh Nandkishor Sharma and another

vs.

The State of Maharashtra and others

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

Court's or Judge's Orders.

Mr. C. A. Babrekar, Advocate for petitioners.
Ms. M. A. Barabde, AGP for respondent No.1.

CORAM : MANISH PITALE J.

DATE : 05/09/2022

By this writ petition, the petitioners have challenged judgment and order dated 11/09/2019, passed by the Joint Charity Commissioner, Amravati, whereby, an application filed under Section 36 of the Maharashtra Public Trusts Act, 1950 by the respondent No.2 Trust has been dismissed.

2. The respondent No.2 Trust had filed the aforesaid application seeking permission of the Joint Charity Commissioner to dispose of specific property in order to generate funds for pursuing the objects of the Trust. It is the claim of the petitioners herein that they were the successful bidders in the process of auction of the property undertaken at the behest of

the respondent No.2 Trust by issuing advertisement and calling for bids.

3. After examining the material on record, the Joint Charity Commissioner by the impugned order held that application could not be granted for the reason, inter alia, that the Trust itself was not in possession of the property which had been already transferred from protected tenant. It was recorded that the respondent No.2 Trust had failed to challenge order of the same authority recording the aforesaid fact.

4. It is an admitted position that the respondent No.2 Trust has not challenged the impugned order dated 11/09/2019. The said order was passed on an application filed by the respondent No.2 Trust under Section 36 of the aforesaid Act.

5. When specific query was put to the learned counsel for the petitioner as to why this Court should entertain the present petition at the behest of the petitioners, it was submitted that the respondent No.2 Trust had deliberately not canvassed the case properly before the Joint Charity Commissioner and proper material was not placed on record as a result of which, the application stood dismissed.

6. This Court is of the opinion that in the facts and circumstances of the present case, a challenge to the impugned order could perhaps be entertained at the behest of respondent No.2 Trust, but certainly not at the behest of the petitioners and that too after about three years of the impugned order being passed on 11/09/2019. If the petitioners have any grievance against respondent No.2 Trust for allegedly deliberately not placing all facts before the Joint Charity Commissioner, the petitioners would be at liberty to proceed against the respondent No.2 Trust in accordance with law. But, the present writ petition cannot be entertained to examine the validity of the impugned order passed by the Joint Charity Commissioner at the behest of the petitioners herein.

7. Accordingly, the writ petition is dismissed.

JUDGE