

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

**WRIT PETITION NO.1954 OF 2022**

(Ghanshyamdas Nevandram Parwani Vs. State of Maharashtra, thr. Joint Chaity  
Commissioner, Amravati and others)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. C. A. Babrekar, Advocate for Petitioner.  
Mr. N. R. Rode, AGP for Respondent 1/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 12<sup>th</sup> APRIL, 2022.**

This petition seeks to assail the order dated 17.02.2021 rendered by the Joint Charity Commissioner, Amravati Region, Amravati in Application 18/2019 which is preferred by Shri Satyanarayan Mandir Sansthan, Amravati, which is a public trust registered under the provisions of the Maharashtra Public Trusts Act, 1950 (Act), whereby the trust is permitted to sell nazul plot 200 situated at Mouza Amravati to Mr. Mohd. Jafar Abdul Gani and Mrs. Shabana Mohd. Jafar for consideration of Rs.61,50,000/- (Sixty One Lakhs Fifty Thousand) subject to certain conditions which were imposed in the interest of the trust.

2. The operative part of the order impugned reads thus:

[1] *Application is partly allowed.*

[2] *Permission is hereby granted to  
sell Nazul Plot No.200, Nazul Sheet No.80-C,*

*situated at Mouze Amravati, Tq. and Distt. Amravati more specifically described in Para 2 of the application, to the highest bidder viz. Mod. Jafar Abd. Gani and Mrs. Shabana Mhd. Jafar for consideration of Rs.61,50,000/- (Rs. Sixty One Lakh Fifty Thousand Only) without prejudice to the right of tenants, if any, on following conditions.*

- (a) The trust shall accept the entire amount by way of Demand Draft / Digital payment Viz. RTGS / NEFT / IMPS or account payee cheque in the name of the trust and deposit the entire amount of sale proceeds in the Account of the trust in nationalized Bank or Government securities.*
- (b) The trustees shall not withdraw the said fixed deposit for any purpose without prior permission of this authority, the trustees are entitled only to receive interest on the said amount to meet the necessary and legal expenses incurred while achieving the goals and objects of the trust.*
- (c) All the expenses of execution of sale-deed shall be borne by the purchaser.*
- (d) After execution of sale-deed the trustees shall submit necessary change report and also submit the copy of proof of fixed deposit as directed.*

3. Pursuant to the sanction accorded by the Joint Charity Commissioner in exercise of power under Section 36 (i)(c) of the Act, the sale-deed of the said property was executed by the trust in favour of the highest bidder on 24.03.2021.

4. I am satisfied that the petitioner has no locus to assail the sanction accorded by the authority to the trust to sell the property. The petitioner claims to be a tenant and in occupation of a shop block in the property which the trust sold after obtaining the sanction from the authority. The petitioner has no locus whatsoever to assail the sanction or then the sale-deed executed in favour of the highest bidder. If the petitioner is a tenant, he would continue to be a tenant and there is no question of the interest of the petitioner being adversely affected. It appears *prima facie* that the petition is motivated.

5. The petition is dismissed.

**JUDGE**

NSN