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

WRIT PETITION NO.776 OF 2022

Krushnakumar Nandkishor Verma
Aged about 59 years,
R/o. C/o. Shri Ramchandra Deosthan Wani,
Tah. & Dist. Yavatmal. .... **PETITIONER**

...V E R S U S...

1. The Joint Charity Commissioner,
Amravati.

2. Rakesh s/o Vilas Regudwar,
R/o. Warora Road, Bansal Layout
Pragati Nagar, Wani,
Tah. Wani, Dist. Yavatmal. .... **RESPONDENTS**

Mr. S. D. Abhyankar, Advocate for Petitioner.
Mr. K. L. Dharmadhikari, AGP for Respondent 1/State.

CORAM: **ROHIT B. DEO, J.**
DATE: **14th FEBRUARY, 2022.**

ORAL JUDGMENT:

The petitioner claims to be the President of the Shri Ramchandra Deosthan (Trust) and in such capacity to have preferred Application 3/2021 seeking sanction for sale of the trust property under Section 36(1)(a) of the Maharashtra Public Trusts Act (Act) to alienate the immovable property of the trust which is described as agricultural field admeasuring 11.40 HR assigned

Gat 14, Khasra 79 situated in Mouza Ganeshpur, Tahsil and District Yavatmal.

2. The petitioner is assailing the order dated 22.10.2021 rendered by the Joint Charity Commissioner, Amravati whereby the application preferred by the petitioner under Section 36(1)(a) of the Act is rejected.

3. Notably, neither the trust nor the trustees other than the petitioner are parties to the proceeding.

4. Be that as it may, the petitioner contended that the immovable property qua which the sanction to alienate is sought, is agricultural land which is of inferior quality and is barren and there is no one interested in cultivating the same on contract basis. The petitioner contended that the said agricultural field does not fetch any income to the trust and it has become difficult to manage the affairs of the trust and to incur the expenditure to maintain the temple and the house appurtenant thereto. The further contention is that the other agricultural fields owned by the trust are mired in litigation.

The petitioner contended that the managing committee resolved to alienate the said agricultural field vide resolution dated 28.12.2020. Pursuant to the subsequent resolution dated 06.01.2021 advertisements were published in two newspapers inviting bids within seven days from the publication and in response the trust received six bids. One Rakesh Vilas Regudwar who offered to purchase the agricultural field for Rs.6,00,000/- (Rupees Six Lakhs) was the highest bidder. Although the highest bid was less than the ready reckoner value, the managing committee of the trust resolved to accept the bid of Rakesh Vilas Regudwar subject to according of sanction by the authority.

5. The authority was pleased to reject the application seeking sanction vide the order impugned, *inter alia* noting, that according to the ready reckoner the market value of the agricultural field admeasuring 11.40 HR is Rs.2,97,71,250/- (Rupees Two Crores Ninety Seven Lakhs Seventy One Thousand and Two Hundred Fifty). The authority noted that even if it is assumed that the consideration of Rs.6,00,000/- (Rupees Six Lakhs) offered by Rakesh Vilas Regudwar is per acre, the total consideration offered was Rs.1,71,00,000/- (Rupees One Crore Seventy One Lakhs) which is significantly lesser than the market

value of Rs.2,97,71,250/- (Rupees Two Crores Ninety Seven Lakhs Seventy One Thousand and Two Hundred Fifty). The authority then considered the assertion of the petitioner that the agricultural field qua which the sanction is sought does not generate any income to the trust. Referring to the audit report, the authority noted that in the year 2020 the said agricultural field generated income of Rs.2,00,000/- (Rupees Two Lakhs) and was as a fact cultivated. The authority then noted that the trust is in possession of agricultural property admeasuring 81 acres or 32.65 HR and if the trust is facing any financial crunch the inference which can be drawn is of mismanagement.

6. The authority has held that the market valuation of the agricultural land is Rs.3,00,00,000/- (Rupees Three Crores) and even if the ready reckoner rate is considered, the government valuation is Rs.2,97,71,250/- (Rupees Two Crores Ninety Seven Lakhs Seventy One Thousand and Two Hundred Fifty) and the highest bid falls woefully short of the market price of the agricultural land, and it would not be in the interest of the trust to accord sanction to the proposal of the trust to alienate the land in favour of the highest bidder.

7. I am in complete agreement with the reasons recorded by the authority for denying sanction and I am satisfied, on independent consideration of the material on record, that it would not be in the interest of the trust to grant sanction for sale of the trust property, much less and less than the market rate.

8. In addition to the reasons recorded by the authority, in my considered view, it is extremely doubtful whether the petitioner could have maintained and prosecuted the application seeking sanction under Section 36(1)(a) without impleading the trust and the other trustees. The other aspect is whether the trust, even before receiving the sanction, could have proceeded to issue the advertisement inviting bid and then to process and finalize the bid.

9. However, in view of the glaring factual matrix, no definite observation is necessary on the aspect adverted to *supra*.

10. As guardian of the trust the authority is first expected to decide whether it is necessary at all to sell the trust property, and if the finding is in the affirmative, then to decide whether the proposal of the trust to sell the property to a particular bidder is in

the interest of the trust. I am satisfied, that no case was made out demonstrating necessity to sell the trust property. The authority has noted the falsity in the contention of the President of the trust that the agricultural land does not fetch any income. The authority has pointed out that the audit report speaks otherwise. The authority has further noted the vast agricultural land which is owned by the trust and observed that if there is any financial crunch faced, the same is attributable to improper administration of the trust. On the second aspect, the authority has held, and that completely agree, that selling the trust property at a price substantially lower than the government valuation, which is ordinarily do not invariably, lower than the market value, is certainly not in the interest of the trust.

11. I see no error in the authority rejecting the application seeking sanction under Section 36(1)(a) of the Act.

12. The petition is substanceless, and is dismissed, with no order as to costs.

JUDGE

NSN