

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

WRIT PETITION NO. 183 OF 2022

Shri Ahir Suvarnakar Samaj Akola,
Akola, Tahsil and District Akola.

PTR No.A-654/Akola, through its
Trustee -

- 1) Shri Vikas Natthuseth Vispute,
(President), Aged 54 years,
Occupation – Business,
R/o Lahan Umari, Akola,
Tahsil and District Akola.
- 2) Shri Govind Laxmanseth Sonwane,
(Vice-President),
Aged 63 years, Occupation – Business,
R/o Near Kothari Hospital, Jai Hind
Chowk, Akola, Tah. & District Akola.
- 3) Shri Narayan Ramdasseth Adgoankar
(Treasurer), Aged 49 years,
Occupation – Business,
R/o Near Jai Tape Hanuman Temple,
Gadge Nagar, Harirar Peth, Akola,
Tahsil and District Akola.
- 4) Shri Purushottam Sharadseth
Chandwadkar (Secretary),
Aged 48 years, Occ. - Business,
R/o Near Pashupatinath Temple,
Prasad Society, Gokul Colony,
Jawahar Nagar, Akola, Tahil and
District Akola.
- 5) Shri Rakesh Suresh Wagh
(Joint Secretary),
Aged 38 years, Occ. - Business,
R/o Wankhede Nagar, Dabki Road,
Akola, Tahsil and District Akola.

6) Shri Rajendra Shankarrao Yadav
(Member), Aged 60 years,
Occupation – Business,
R/o Ladis Fail, Hanuman Chowk,
Ashok Nagar, Akola,
Tahsil and District Akola.

7) Shri Deepak Dagduseth Bhalerao,
Aged 51 years, Occ. - Business,
R/o Near Murlidhar Temple,
Jai Hind Chowk, Old City, Akola,
Tahsil and District Akola.

.... **PETITIONERS**

VERSUS

The Joint Charity Commissioner,
Amravati Region, Amravati.

.... **RESPONDENT**

Mr. U.J. Deshpande, Counsel for the petitioners,
Ms. T.H. Khan, AGP for the respondent,
Mr. M.G. Sarda, Counsel for the intervenor.

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

DATED : **21st FEBRUARY, 2022**

ORAL JUDGMENT :

The petitioners are assailing the decision of the Charity Commissioner, Amravati in Application 13/2020 whereby the sanction sought for sale of Plot 15, admeasuring 2610 square feet situated in Godbole Plot, Akola, is refused.

2. Perusal of the decision impugned reveals that the sanction is refused, not on the premise that there is no need or requirement to sell

the said plot, the refusal of sanction is predicated on a report submitted by the Inspector attached to the office Assistant Charity Commissioner, Akola, which refers to the market value of the property as Rs.2,500/- (Rupees Two Thousand Five Hundred) to Rs.3,000/- (Rupees Three Thousand) per square foot which broadly works out to Rs.65,25,000/- (Rupees Sixty Five Lac Twenty Five Thousand) and Rs.78,30,000/- (Rupees Seventy Eight Lac Thirty Thousand).

3. The authority reasons that since the highest bid received pursuant to the tender published is Rs.48,00,000/- (Rupees Forty Eight Lac), it would not be in the interest of the Trust to sell the said property to the highest bidder.

4. It is difficult to appreciate the reasons recorded by the authority for rejecting the submission of the petitioners that no reliance can be placed on the report of the Inspector.

5. The valuation of the property, according to the ready reckoner, is Rs.15,27,500/- (Rupees Fifteen Lac Twenty Seven Thousand Five Hundred). While the market valuation can indeed be more than the ready reckoner value, what can be culled out from the material on record including the decision impugned, is that the Inspector assessed the market value on the basis of statements of two or three persons

whose identity is not disclosed, with the result that the value to be attached to such assessment is in the realm surmises, conjecture and speculation.

6. Be that as it may, the learned Counsel for the highest bidder Mr. Sarda points out that his clients are interested in purchasing the plot since the same is situated adjacent to their existing residence and are willing to increase their offer to Rs.2,900/- per square foot which would be Rs.75,69,000/- (Rupees Seventy Five Lac Sixty Nine Thousand).

7. The enhanced offer should ordinarily remove the basis of the reasons recorded by the authority for denying sanction.

8. However, rather than considering the issue in the petition, I find it appropriate to set aside the order impugned and to remit the matter to the authority for fresh decision, which shall be taken within fifteen days from the appearance of the parties.

9. The parties shall appear before the authority and shall place on record this order, on 28-2-2022.

JUDGE

adgokar

Digitally signed by PRAFULLA
MANOHARRAO ADGOKAR
Signing Date: 22.02.2022 14:35