

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1733 OF 2023**

VEERSHAURYA JANGAM MATH TRUST THROUGH ITS
CHAIRMAN SHIVANAND RAMHARI KATHELE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE JOINT
CHARITY COMMISSIONER

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Mr. P. R. Katneshwarkar, Advocate for the Petitioner.
Mr. S. S. Dande, AGP for Respondents-State.

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**CORAM : SHARMILA U. DESHMUKH, J.
DATED : 17th FEBRUARY, 2023.**

PER COURT:-

1. Heard.

2. The challenge in the petition is to the order dated 12.08.2022, whereby the Joint Charity Commissioner has directed the petitioner/applicant to lead evidence in support of the market value of the Trust property, which is sought to be alienated, in an application filed under Section 36 of the Maharashtra Public Trusts Act seeking sanction of the Joint Charity Commissioner.

3. Learned counsel for the petitioner initially sought setting aside of the order on the ground that the application filed under Section 36 of the Maharashtra Public Trusts Act states the market value of the property as per ready reckoner rate and also states the highest bid, which has been received. In support of his contentions he has relied upon the decisions of this Court in case of *Ramchandra Dev through its trustee **Rajaram Shankar Gaikwad Vs. Ld. Joint Charity Commissioner***, reported in

2022 SCC OnLine Bom 1484 and submits that a criteria which has been led down in the said decision forms a part of his application filed under Section 36 of the Maharashtra Public Trusts Act. He would further submit that the findings of the Joint Charity Commissioner are erroneous in as much as the land is a gairan land and the bid price is appropriate market value.

4. Without going into the merits of the matter, the petition can be disposed of in view of the statement made by the learned counsel for the petitioner on instructions that evidence to prove the market value of the Trust property will be led by the petitioner and completed within a period of four weeks from today. Upon completion of the evidence, the Joint Charity Commissioner to decide the application for sanction under Section 36 of the Maharashtra Public Trusts Act filed on 24.11.2020 within a period of eight weeks thereafter.

5. Writ Petition stands disposed of.

(SHARMILA U. DESHMUKH)
JUDGE