

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12991 OF 2022

Kanhaiyalal Maharaj Shaikshanik and
Samajik Trust Deopur

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

...

Mr. Ashok T. Gade, a/w Ms. Riya John and Mr. Navin Rathod for Petitioner-Trust.

Ms. V.S. Nimbalkar, AGP for Respondent Nos.1 and 2-State.

Mr. Vishwajeet Mohite for Respondent Nos.3(a) to 3(e).

...

CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 26, 2023.

P.C.:

1. The challenge in the Petition is to the order dated 2 January 2020 passed by the Joint Charity Commissioner, Nashik rejecting the application to seek permission under section 36(1)(a) of the Maharashtra Public Trusts Act, 1950 (**Act of 1950**) to alienate the Trust property. It appears that the Government valuation of the property at the relevant time was Rs.32,48,000/- and Respondent Nos.3A to 3E had offered the bid of Rs.33,00,000/-. The Joint Charity Commissioner has proceeded to reject the application principally on the ground that the property was purchased by the Trust in the year 2011 for Rs.32,50,000/-.

2 Mr. Gade, the learned Counsel appearing for the Petitioner-Trust would rely upon the valuation report dated 8 December 2022 under which the market value of the property shown as Rs.35,72,800/-. He would submit that the Trust be granted an opportunity to invite fresh bids based on the valuation report dated 8 December 2022. He would express an apprehension that the Joint Charity Commissioner may take long time to grant a fresh permission.

3 Accordingly, the present Petition is disposed of granting liberty to the Petitioner-Trust to invite fresh bids for alienation of the Trust property by relying on the latest valuation report and conduct the auction process in an expeditious manner. Once an application is filed before the Joint Charity Commissioner seeking permission under section 36(1)(a) of the Act of 1950, the Joint Charity Commissioner shall proceed to decide the same as expeditiously as possible within a period of three months from the date of filing of the application. Respondent No.3A to 3E would be at liberty to participate in the fresh auction.

4 With the above directions, the Writ Petition is disposed of. No order as to costs.

(SANDEEP V. MARNE, J.)