



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

WRIT PETITION NO.963 OF 2020

Amit Mohanlal Jaiswal and another .Vs. Prakash Hiranman Jain and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D. Abhyankar, Advocate for petitioners.

Shri Ambarish Joshi, Advocate for respondent No.5.

CORAM : ANIL S. KILOR, J.

DATED : 30/10/2023

1. The Joint Charity Commissioner, Amravati Region, Amravati vide impugned order dated 12.06.2018 passed below Exh.1 on an application for permission to sale the land, directed the trustees of Shri Sumernath Maharaj Sansthan, Dongaon to take immediate steps to restore the property bearing Survey No.348, Mouza Dongaon to the trust, while rejecting the said application.

2. The learned Joint Charity Commissioner though in paragraph-3 of the said order observed that, the land bearing Survey No.348 was sold out by the previous trustee without obtaining any permission under Section 36 (i)(a) of the Maharashtra Public Trusts Act, 1950, without joining the purchaser as party issued certain directions which are adverse to the interest of the subsequent purchaser i.e. the petitioners.

3. The learned Joint Charity Commissioner ought not to have issued such direction without hearing the petitioners or such direction should not have passed in a proceeding where in no relief to the said effect was sought. Accordingly, I pass the following order:

- i) The writ petition is partly allowed to the extent of clause-2 of the impugned order dated 12.06.2018 and thereby, clause-2 of the impugned order is quashed and set aside.
- ii) It is made clear that, if the Joint Charity Commissioner is of the opinion that proceeding for restoration of land bearing survey no.348 of Mouza Dongaon needs to be initiated, he may proceed in an independent proceeding if permissible under the law.

The writ petition is **disposed of** accordingly.
No order as to costs.

JUDGE