



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 WRIT PETITION NO.13539 OF 2024

**BHIMRAJ RADHAKRUSHNA SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Advocate for the Petitioner : Mr. Shinde Chandrakant K.
AGP for Respondent/s-State : Mr. A. S. Shinde.

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**CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.**

DATE : 12.12.2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. After hearing the learned counsel for the petitioner at length, it has been transpired that the petitioner is claiming a right to pray the temple belonging to the trust.
3. The petitioner submits that the trust had applied to the Charity Commissioner for permission to sell the lands of the trust. The petitioner had participated in the auction and was the highest bidder. He has deposited his bid amount with the trust. However, subsequently the trust has withdrawn the

request to sell the property to the trust. Therefore, the Charity Commissioner has directed the trustee to refund his bid amount. However, it was not returned. Now, under the garb of fencing with police assistance, they have removed his huts and crops in the field. *Prima facie* we are not satisfied that this is the case to entertain under jurisdiction of Article 226 of the Constitution of India, because it involves various disputed questions of facts. Who are at fault is to be considered after examining the facts. Hence, we do not entertain this writ petition.

3. The petitioner is at liberty to take an appropriate recourse.

4. Writ petition stands dismissed.

(SHAILESH P BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-