

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

WRIT PETITION NO. 4087 OF 2024

Shri. Kutch Deshiya Saraswat Brahmin	
Mahasthan Trust	...Petitioner
Versus	
Joint Charity Commissioner Ho li The. Gp	...Respondent

**VASANT
ANANDRAO
IDHOL**

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CORAM : AVINASH G. GHAROTE, J.
DATE : 26th JUNE 2024

P.C.:

1. The petition questions the order dated 30.10.2023 passed by the Joint Charity Commissioner under section 36-S of Maharashtra Public Trust Act (MPT Act), rejecting the application for permission to sell the property of the Trust which is “Mahasthan Bhavan” situated at 38-40, Vir V. Chandan Street, Mumbai -400 003, situated at C.S. No.793. The area of the plot owned by the Trust is 152.17 sq. mts. and the building comprise of existing ground plus three upper floors. The reason for not granting permission to sell as is evident from the impugned order is that the offer of Rs.2.00 crore which was received by the trust was very less. There is no other reason assigned for refusing the permission. In pursuance to the order of this Court dated 19.4.2024, a fresh valuation was called for in pursuance to which

M/s.Shetgiri & Associates have submitted their valuation report on 30.5.2024 which is marked as “X” according to which the valuation of the aforesaid property is Rs.3,42,83,716/-.

2. It therefore, would be appropriate that this should be the upset price for the sale of the aforesaid property which can only be done by public auction and the property sold to the highest bidder. Merely because the trust has already a purchaser in hand who has offered Rs.2.00 crores for the property and is also willing to meet the aforesaid figure, that would not mean that the property has to be transferred to him. Learned AGP submits that the public auction being the settled norm that ought to be followed. I am in agreement with this proposition, considering which the impugned order is quashed and set aside.

3. The petition is allowed by permitting the petitioner to sell the aforesaid property by only through public auction, to the highest bidder with the upset price of Rs.3,42,83,716/-.

(AVINASH G. GHAROTE, J.)