



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

WRIT PETITION NO. 1125 OF 2024

Gurunanak Sangat Sansthan, Amravati

Vs.

The Joint Charity Commissioner, Amravati Division, Amravati

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.S. Parsodkar, Advocate for petitioner.

Ms. Prachi Joshi, AGP for respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 08.10.2024.

This petition takes exception to the order dated 09.10.2023 passed by the Joint Charity Commissioner, Amravati Region, Amravati in Application No.01/2021.

2. The petitioner – Trust is the owner of Nazul Plot No.188, Sheet No.92-A at Mouza Amravati, District – Amravati. According to the petitioner, the plot is situated in market area and certain wrongdoers are repeatedly trying to encroach upon it. It is stated that the trustees are not in a position to protect the plot in question from encroachment. On 03.11.2019, the petitioner – Trust had thus passed the resolution to sell the plot

in question and utilise the proceeds of sale for the object of the Trust.

3. Pursuant to the said resolution bids were invited by issuing proclamation to that effect in news papers. The highest bid of Rs.16,81,000/- was accepted. The application was thereafter filed under Section 36(1)(a) of the Maharashtra Public Trust Act before the Joint Charity Commissioner seeking permission to sell the plot in question. The learned Joint Charity Commissioner has rejected the said application by the order impugned.

4. I have heard the learned counsel for the petitioner and the learned AGP for respondent.

5. The learned counsel for the petitioner submits that at the relevant time Government Ready Reckoner value of plot in question was Rs.5,76,810/-. It is submitted that highest bid was of Rs.16,81,000/-. It is submitted that Inspector working in the Office of Joint Charity Commissioner was asked to submit report in respect of market value of the plot in question. It is submitted that the Inspector without conducting proper inquiry submitted the report that the market value of the plot in question could be between Rs.31,84,000/- to

Rs.47,76,000/-. It is submitted that the learned Joint Commissioner without considering the overall facts and circumstances rejected the application on the basis of said baseless report submitted by the Inspector.

6. On the other hand, the learned AGP has supported the order impugned.

7. I have perused the report submitted by the Inspector. It is not based on any sale instances. However, now in the year 2024 permission as sought cannot be granted on the basis of the bids invited in the year 2019.

8. Considering the overall facts and circumstances the following order is passed:

ORDER

(a) The order impugned is set aside.

(b) The petitioner – Trust shall call the fresh bids.

(c) The petitioner – Trust is permitted to sell the plot in question to highest bidder.

(d) Needless to mention that the petitioner – Trust shall accept the highest bid only if it is more than Rs.16,81,000/-.

(e) The petitioner – Trust shall invest the sale consideration in Fixed Deposit Receipt (FDR).

9. The writ petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)