

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11243 OF 2025**

Dr. Tatyasaheb Natu Smruti
Pratishthan, Margtamhane,
Through Chairman
Dr. Vinay Shridhar Natu,
Having office at Margtamhane,
Taluka : Chiplun, District: Ratnagiri.Petitioner

Vs.

Joint Charity Commissioner,
Kolhapur Region, Kolhapur,
Office at:1079, Rajaram Road,
E Ward, Shahupuri, Kolhapur.Respondent

Mr. Ishaan Kapse with Mr. Tejas Patil, for the Petitioner.
Mr. Sanjay D. Rayrikar, AGP, for the Respondents-State.

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 2nd DECEMBER 2025**

JUDGMENT :-

1. The Petitioner-Trust takes exception to order dated 4th August 2025 passed by Joint Charity Commissioner (For short, '**JCC**'), Kolhapur in Application No.20 of 2023, whereby application filed by Trust under Section 36(2)(a) of Maharashtra Public Trust Act, 1950 (For short, '**MPT Act**') has been rejected.

2. Petitioner is a public trust registered under provisions of MPT Act. Petitioner-Trust is running various educational institutions.

Petitioner-Trust holds a land Survey No.2480 admeasuring 2.14 H, which was purchased with intention to construct a building for proposed English Medium School. However, due to decreasing number of students, Board of Trustees dropped idea to raise construction and decided to alienate said land and utilize the fund for construction of building of Late Premjibhai Aasar Chhatralay. Accordingly, application under Section 36(1)(a) of MPT Act was moved before JCC at Kolhapur. Applicant/Trust had published a public notice in daily newspaper 'Prahar', Ratnagiri for sale of land. In pursuance to said notice, three bids were received. The highest bid was for Rs.20,00,000/- from Mr. Mangesh Joshi. The learned JCC found that tender accepted was not accompanied by demand draft of 10% amount. Secondly, the tender notice was not published in English newspaper alongwith Marathi newspaper. It is further observed from report of Valuer that property has market value of Rs.21,40,000/-, but offer received is for lesser amount. For aforesaid reasons, permission to sell has been refused.

3. Mr. Ishaan Kapse, learned Advocate appearing for Petitioner would submit that proposed purchaser has now given a fresh offer of

Rs.22,00,000/-, which is above the valuation made by Surveyor. He would further submit that other two objections appearing in impugned order as regards publication of tender notice in English newspaper or deposit of 10% amount are unsustainable. In support of his contention, he relies upon observations of this Court in case of *Suburban Education Society, Mumbai & Anr. v. Charity Commissioner of Maharashtra State, Mumbai & Ors.*¹ and *Sai Builder and Developer v. Joint Charity Commissioner, Nagpur & Anr.*²

4. The learned AGP supports the impugned order.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Petitioner has given two reasons while seeking permission to sell out the property. Firstly, property proposed to be sold lost its utility for Petitioner-Trust. Secondly, Trust is in need of fund for construction of hostel building. The perusal of impugned order would show that aforesaid aspects are not controverted. However, rejection of permission was mainly on ground that highest offer received in response to tender notice was lower than market value assessed by

1 2004 (2) Mh.L.J. 792.

2 AIR 2022 Bom. 246.

Valuer. Petitioner filed an affidavit of Chairman before this Court alongwith offer letter of Mr. Mangesh Joshi, who offered to purchase land for Rs.22,00,000/- as against its valuation of Rs.21,40,000/-.

6. Apparently, sell of property would secure interest of Trust. The funds received after disposal of property can be utilized for creating additional facility for consumers of services offered by Trust. As rightly pointed out by Mr. Kapse, Charity Commissioner has to find out whether Trust has genuine need for purpose of selling its immovable property and secondly, whether property is being sold in interest of Trust and its beneficiaries. The Charity Commissioner is not supposed to substitute his own ideas and views *vis-a-vis* the functioning of Trust.

7. In that view of matter, this Court finds that when Trust has received a fair offer from prospective purchaser, who offered more amount than market value assessed by Surveyor, it would be appropriate that learned JCC apply mind afresh and without going into technicality as regards to publication of notice in English newspaper, consider Petitioner's application for permission in light of enhanced offer and pass necessary orders in interest of Trust.

8. In result, Writ Petition is partly allowed.

9. The impugned order dated 4th August 2025 passed by Joint Charity Commissioner, Kolhapur in Application No.20 of 2023 is quashed and set side.

10. The matter is relegated back for reconsideration to Joint Charity Commissioner, Kolhapur for fresh decision in light of observations made herein above within a period of eight weeks from date of this order.

(S. G. CHAPALGAONKAR, J.)

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