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

WRIT PETITION NO. 8509 OF 2024

Good Shepherd Convent (Bombay),
Through its Trustee Sister Mary Payyappilly Jose .. Petitioner

Versus

Joint Charity Commissioner and Anr. .. Respondents

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- Mr. Anupam Dholakia, Advocate i/by Neela A. Dholakia for Petitioner.
 - Mr. Abhishek Bhadang, AGP for Respondent No.1 – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 09, 2025.

P.C.:

1. Heard Mr. Dholakia, learned Advocate for Petitioner and Mr. Bhadang, learned AGP for Respondent No.1 – State.

2. The order impugned in the present Writ Petition is appended at Exhibit “G” – page No.45 of the Petition passed under Section 36(1) (a) of the Maharashtra Public Trusts Act, 1950. Applicant is the Trust. It has moved this Court for seeking variation in the order that has been passed. According to Petitioner, market value of the subject property cannot be more than Rs.1.65 crores which has been offered by the highest bidder. However while determining the market value the Statutory Officer has considered various aspects, *inter alia*, the chart produced by the Government Approved Valuer S.V. Jogalekar &

Associates dated 08.06.2022 and after comparing sale instances of 3 different properties which were transacted between November 2020 and November 2021, he has arrived at a conclusion that the market value of the property can be safely enhanced to Rs. 2.35 Crores. The reasons for the same are given by the Statutory Officer in paragraph Nos.11 to 17 of the impugned order.

3. Petitioner – Trust is trying to challenge the said order on behalf of the highest bidder. According to the learned Advocate for Petitioner the highest bidder had given a bid of Rs. 1.65 crores for the subject property and if the impugned order is sustained the highest bidder would not be in a position to accept the same. While filing the Petition, Petitioner has not impleaded the highest bidder who according to them has given the highest bid of Rs.1.65 crores. The name of the highest bidder is one Shri. Gajanan B. Deshmukh as stated in the Petition.

4. Petitioner is directed to implead Gajanan B. Deshmukh as Respondent No.2 in the present Petition and serve him the copy of the present Writ Petition. Amendment is permitted to be carried out forthwith. Re-verification stands dispensed with. This Court would like to know from the highest bidder as to whether he would be interested in enhancing his offer and accept the valuation stated in the order dated 10.11.2023, *inter alia*, with respect to valuation of the subject

property.

5. In view of the above, issue notice to Respondent No.2. Humdast permitted.

6. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on Respondent Nos. 1 and 2 and inform him about the next date of hearing by any permissible private mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date. Copy of the amended Petition be served on the other side.

7. After receiving notice, Respondent Nos. 1 and 2 are directed to take cognizance of this order and file his Affidavit-in-Reply on or before the next date, if so desired.

8. It is clarified that further order will be passed after hearing the Respondents on the next adjourned date.

9. At the request of Mr. Dholakia, stand over to **23rd June 2025**.

[MILIND N. JADHAV, J.]

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