

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

WRIT PETITION NO. 13086 OF 2024

Gowardhan Sanstha (Regd) Wai and
Ors.

...Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

**WITH
WRIT PETITION NO. 14747 OF 2023**

Mahadev Shankar Khairmode

...Petitioner

V/s.

Joint Charity Commissioner, Pune
region and Ors.

...Respondents

**WITH
INTERIM APPLICATION NO.1383 OF 2025
IN
WRIT PETITION NO.14747 OF 2023**

Mr. Bharat S. Modi

...Applicant

In the matter between

Mahadev Shankar Khairmode

...Petitioner

V/s.

Joint Charity Commissioner, Pune
region and Ors.

...Respondents

Mr. Prabhakar M. Jadhav *for the Petitioner in WP/13086/2024 and for Respondent No.2 in WP/14747/2023.*

Mr. N.V. Walawalkar, *Senior Advocate i/b. Mr. Vikram N. Walawalkar for Respondent No.2 in WP/13086/2024 and for Petitioner in WP/14747/2023.*

Mr. Vishwabhushan Kamble *for the Intervenor/Applicant in IA/1383/2025.*

Ms. Gauri Jadhav, *'A' panel with Ms. Kavita N. Solunke, AGP for Respondent -State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 3 February 2025.

P.C. :

1) These Petitions are filed challenging order dated 23 December 2022 passed by the Joint Charity Commissioner-2, Pune region, Pune, rejecting the Application filed by the Trust for grant of permission to alienate the Trust's property under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950.

2) I have heard Mr. Walawalkar, the learned senior advocate appearing for the Petitioner in Writ Petition No.14747 of 2023, Mr. Jadhav, the learned counsel appearing for the Petitioner-Trust in Writ Petition No.13086 of 2024, Mr. Kamble, the learned counsel appearing for the Applicant in Interim Application No.1383 of 2025 and Ms. Gauri Jadhav, the learned 'A' Panel Advocate for Respondent-State.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, there appears to be a unique conundrum in the present case where the Joint Charity Commissioner had initially granted permission to the Intervenor to purchase Trust's property for Rs.95,00,000/- on 17 September 2018. The Intervenor, who had paid earnest amount of Rs.10,00,000/- defaulted in making further payment and the Trust finally filed an application to let the transaction of purchase take place in favour of the second highest bidder being the Petitioner in Writ Petition No.14747 of 2023. The said Application remained pending for the next two years and finally was rejected by the Joint Charity Commissioner. This is how the original valuation done on 16 August 2017 of Rs.96,80,000/- has lost its relevance on account of pendency of proceedings for a long time.

4) Mr. Jadhav has placed on record copy of valuation report dated 11 November 2024 indicating value of land at Rs.1,08,90,000/-. Both Mr. Walawalkar and Mr. Kamble have shown willingness of forthwith depositing amount of Rs.1.10 crores for purchase of the Trust property. This Court would not be in a position to decide at this juncture as to which party can be permitted to purchase the Trust property. Appropriate course of action would be to let conduct of fresh auction so that Trust would also gain higher consideration for alienation of its property and there would be adjudication about exact person who would be entitled to purchase the Trust property. In these peculiar

facts and circumstances of the case, I am not inclined to interfere in the order of the Joint Charity Commissioner, which envisages conduct of fresh auction and filing of fresh application under Section 36(1)(a) of the Act.

5) I accordingly proceed to pass the following order:-

6) The Petitioner -Trust shall forthwith conduct fresh auction of its property by following due process within a period of two months and file an Application before the Joint Charity Commissioner seeking permission under Section 36(1)(a) of the MPT Act. The Joint Charity Commissioner shall proceed to decide such Application within a period of four months from the date of filing thereof.

7) With the above directions both the Petitions as well as Interim Application are disposed of.

[SANDEEP V. MARNE, J.]