



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 915 of 2025

[Priyadarshani Aparamparik Urja Va Gramin Vikas Sanstha, Lohara,
Tq. & Distt. Yavatmal through President Jafar Ali Haji Karamat Ali
..vs.. Joint Charity Commissioner, Amravati Region, Amravati and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. R. Johrapurkar, Advocate for the petitioner (through video
conferencing) and Mr. P. M. Jain, Advocate for petitioner

CORAM : ANIL L. PANSARE J.

DATED : 24-02-2025

Heard.

2. The challenge is to judgment and order dated 2-2-2024 passed by the Joint Charity Commissioner, Amravati Region, Amravati rejecting the request made by the trust/trustees to sell the property under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950.

3. The Joint Charity Commissioner has assigned two reasons for rejecting the application. One is that, market value as per ready reckoner is Rs. 17 Lakhs approximately and the highest bidder has quoted Rs. 11 Lakhs approximately. Thus, according to Joint Charity Commissioner, the property is being sold for a lesser value than the market value as per ready reckoner. The second reason assigned by the Joint Charity Commissioner is that, though the trustees are claiming that the trust is not able to generate income out of the agricultural land under question, the 7/12 extract indicates that they have sown Tur and Soyabin crops in the year 2020-21, meaning thereby, that the reason assigned of not generating income is not substantiated.

4. In the light of above, a query was made as to why property of trust was being sold, the counsel for petitioner has

invited my attention to the application filed by the trustees to sell the properties.

5. I have gone through the application to find that the reason assigned is as vague as it could be. What has been mentioned in the application is that the trust has no other source of income except the agricultural land and its financial condition is not proper and, therefore, the trustees are finding it difficult to fulfill the objects of the trust and to develop trust activities. It is not known as to what is the object of the trust and what developments the trustees intend to carry on in near future. That being so, unless a specific reason is assigned justifying selling trust property, it will not be proper to permit the trustees to sell the trust properties. In other words, there is no reason why should the order impugned be interfered with. The petition is dismissed *in limini*.

6. The trustees, however, are at liberty to approach the Joint Charity Commissioner, if they are facing some genuine difficulties in fulfilling particular object and/or they are in need of money for a specific purpose/object/development of trust activities.

7. Writ petition is disposed of in above terms.

(Anil L. Pansare, J.)