IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13735 OF 2024

UDAY SHIVAJI JAGTAP
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Date: 2026.10.30 11:05:25 +0530

Yogesh Chandrakant Shinde … Petitioner

Vs.

Shree Dev Partheshwar Pathardi And Anr … Respondents

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Mr. Amit Badkar a/w Poras Shah for Petitioner
Mr. Sangramsingh Yadav a/w Sumit Patil for Respondent No.1.
Mr. J.P. Patil, AGP for Respondent No.2 – State

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CORAM : SHAILESH P. BRAHME, J.

DATE : 29th OCTOBER, 2026.

P. C. :

. Heard both sides. The petition is taken up for final disposal with the consent of the parties.

2. The petitioner is challenging order dated 04.02.2022 passed by the Joint Charity Commissioner in Misc. Application No. 10 of 2020 which was preferred under Section 36 of the Maharashtra Public Trust Act, 1950.

3. The respondent No.1 is the registered Trust and owner of Gat No. 135 measuring 2 H and 10 R situated at Pathardi, Tal. Chiplun, Dist. Ratnagiri, which is also recorded in PTR. The respondent No.1 – Trust was in need of raising funds to meet the expenses and, therefore,

proposed to sale the land. The public notice was issued on 25.07.2018 in two news papers calling upon the Tender, inviting the proposed purchasers. After undertaking the tender process the petitioner was turned out to be highest bidder, who quoted Rs.15 lakhs for the entire land. The respondent submitted Application before the Joint Charity Commissioner seeking permission under Section 36 of the Act. The petitioner was not a party though he was a successful bidder. By impugned order, the permission was refused which is under challenge.

4. Learned counsel for the petitioner submitted that the report was called for from the Inspector and thereafter from Assistant Charity Commissioner so as to ascertain the probable price and viability of the transaction. The Inspector after conducting spot inspection submitted his report dated 17.12.2020 recommending the sale of the land to the highest bidder. The Assistant Charity Commissioner vide report dated 15.02.2021 observed that the price quoted by the petitioner is not competable considering the increase in the prices of immovable properties.

5. I have perused both the reports referred above which do not indicate that land in question should not be sold to the petitioner. The need of the Trust, the saleable interest, capacity of the petitioner to

purchase, and the genuineness of the tender process are not in question. The whole controversy pertains to the probable market value of the land and best possible interest of the Trust.

6. By the impugned order, the application is rejected merely on the ground of the price determined by the Government Valuer to the tune of Rs.14,79,450/- vide his certificate dated 29.06.2018. Thus, the quantum of the valuation is the only issue which needs to be adjudicated. In this regard, it is pertinent to refer to application submitted by the petitioner on 10.06.2024 intimating the respondent – Trust the readiness to purchase the land for Rs.20 lakhs.

7. I called upon the learned counsel for the petitioner to enhance the consideration further so as the interest of the Trust is protected best. Learned counsel graciously agreed to offer Rs.3 lakhs more, which comes to Rs.23 lakhs. If the enhancement of 5% P.A. is concerned, then also the price offered by the petitioner is reasonable. I am of the considered view that it would be in the interest of the Trust to sale out the land in question for Rs.23 lakhs which is voluntarily offered by the petitioner.

8. The Writ Petition is allowed.

9. The order dated 04.02.2022 passed by the Joint Charity Commissioner in Misc. Application No.10 of 2020 is quashed as set aside.

10. The offer of Rs.23 lakhs quoted by the petitioner shall be accepted and further process be undertaken for completing the sale transaction as is permissible in law.

(SHAILESH P. BRAHME, J.)