

drp

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

WRIT PETITION NO.13077 OF 2025

Dr. J. D. A. Phansopkar Trust, Sangli
A registered Public Charitable Trust

PETITIONER

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. R. C. Barge, Advocate for the Petitioner
Mr. A. P. Vanarase, AGP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th JANUARY, 2026

ORDER :

1. This Petition, filed under Article 227 of the Constitution of India, takes exception to the order dated 10th July, 2025 passed by the second Respondent in Application No. 1 of 2024.
2. The Petitioner Trust is the owner of the land bearing survey No. 433 (New city survey No. 130/1/A) Share No.1 admeasuring 0.55 Are out of 0.95 Are land situated within Sangli, Miraj and Kupwad, Municipal Corporation. The Petitioner made application under section 36 (1) of the Maharashtra Public Trusts Act, 1950, seeking permission to sell the said property.

The Petitioner contended in the Application that the property was purchased on 30th October, 1999 vide registered sale deed No. 2842/2000. Since the said property is not found feasible to construct the school, on 3rd January, 2023, resolutions No. 115 and 116 were passed to sell the building and the land. A public tender notice was issued on 6th April, 2023. Four tenders were received in response to the said public tender notice. The tender submitted by Belgave Land Development and Construction Private Limited, by which they offered Rs.4,51,00,000/- towards consideration of the said property, was found to be the most beneficial and hence permission was sought to sell the said property. Respondent No.2 has rejected the said application by the impugned order.

3. Heard learned Advocate for the Petitioner and the learned AGP for the Respondent - State. Perused the record.

4. It appears from the record that, the Petitioner has to incur an expenditure of Rs.5,04,00,000/- for construction of new school building. Valuation of the property to be sold is done by Ashok Bhilwade. His valuation report is at Exhibit-25. He has valued the said property at Rs.4,15,80,000/-. As per the valuation done by Ashok D. Kadam, dated 3rd August, 2024, the valuation of the said property is Rs.4,40,00,000/-. Since the

Respondent No.2 was of the view that both the valuations are not depicting the correct market value, the Petitioner was directed to obtain valuation report from Thite Valuers, who has valued the said property at Rs.13,91,00,000/-. The second Respondent was, therefore, of the view that, it would be in the interest of the Trust to sell the said property, as per the valuation of Thite valuers.

5. The Petitioner contends that the valuation done by the Thite valuers is not feasible and does not depict the correct market value.

6. After hearing the submissions of the Petitioner, learned AGP was requested to give names of two government recognized valuers. Accordingly, names of Mr. Sanjay M. Parmane, Valuer and Engineer and Mr. Anil Thote, Valuer and Engineer are suggested. Both of them are from Sangli.

7. In the backdrop of the above peculiar facts, following order is passed in the interest of justice :

ORDER

A. Impugned order dated 10th July, 2025 passed by second Respondent in Trust Application No. 1 of 2024 is quashed

and set aside.

- B. Valuation of the property in question be done by Mr. Sanjay M. Parmane, Valuer and Engineer and Mr. Anil Thote, Valuer and Engineer, within four weeks from the receipt of this order.
- C. The Petitioner Trust to bear the expenses of the valuation.
- D. On receipt of the valuation reports of both the valuers, the second Respondent shall consider the Trust Application No. 1 of 2024 afresh, by taking into consideration the valuation reports of Mr. Sanjay M. Parmane, Valuer and Engineer and Mr. Anil Thote, Valuer and Engineer and may grant permission to the Petitioner Trust, to sell the property as per the highest valuation report.
- E. The Writ Petition is disposed of in terms of the above directions.

**[NITIN B. SURYAWANSHI]
JUDGE**