

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14085/2011

(From the judgement and order dated 01/02/2011 in WP No.2520/2010
of The HIGH COURT OF BOMBAY)

RANMAL JAGRAJJI VIRWADIA Petitioner(s)

VERSUS

JOINT CHARITY COMMISSIONER & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 19/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. L. Nageshwar Rao, Sr. Adv.
Mr. Arun Mehta, Adv.
Ms. T.V.S. Raghavendra Sreyas, Adv.
Ms. P. Srikumar, Adv.
Mr. Nikhil Nayyar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. L. Nageshwar Rao, learned senior counsel
for the petitioner.

The Division Bench of the High Court, in the impugned
order, has noted that the counsel for the Trust - Seth
Prabhudas Nemchand Dasha Sorathia Wanik Vidyalaya
(hereinafter referred to as "the Trust") stated before them

that the Trust did not want to sell the property in near

future. Accepting the said statement, the High Court
dismissed the Writ Petition filed by the present
petitioner.

In our view, no exception can be taken to the view
taken by the High Court. Special Leave Petition is,
accordingly, dismissed. However, it is made clear that in
the event of the Trust taking the decision of selling the

subject property, obviously the Trust has to follow the procedure prescribed in Section 36 of the Bombay Public Trust Act, 1950. In case, such an application is made before the Charity Commissioner, the Charity Commissioner may issue notice of such proceedings to the present petitioner.

The petitioner shall be at liberty to apply to the Charity Commissioner for direction to the Trust for return of the advance money in case the same has not been returned so far.

(Pardeep Kumar)
Court Master

(Renuka Sadana)
Court Master