

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jan-20-2014

Judge : I. P. Mukerji

Appellant : Appellant

Respondent : Respondent

Judgement :

ACR No.3 of 2013 IN THE HIGH COURT AT CALCUTTA ORDINARY ORIGINAL CIVIL JURISDICTION Pashupati Roy Sarda & ORS. Before: The Hon'ble Justice I.P. MUKERJI. Date: 20th January 2014 Appearance: Mr. Nirmalya Dasgupta, Advocate Mr. Dibanath Dey, Advocate for the petitioner The Court: This is an application by the trustees of a religious and charitable trust.

The trustees applied to this Court for permission to sell a part of the trust property situated at 57C, Barrackpore Trunk Road, Kolkata.

This land is behind Rabindra Bharati University.

It is submitted that the proceeds of sale would be utilised to supplement the expenses for running the free school established by the trustees and run by them.

By an order passed by this Court the Receiver in the matter was granted leave to appoint a valuer/surveyor.

This valuer/surveyor fixed a reserve price of Rs.35 lakhs per cottah for the property.

The total area of the land proposed to be sold was about 2 bighas.

Advertisements were published in Bartaman and The Statesman.

Various offers were received.

When this matter came up before this Court on 12th November 2013, I observed that the offers thus far received were below the reserve price and that the Receiver should continue to make his search for a higher offer.

The Receiver has filed a report in Court today, where he inter alia states that he has now received an offer from one Mr.Ranjit Daw of Flat No.305, Heena Complex, 136, B.P.Cross Road, Bhayander East, Thane, Mumbai - 401107, Maharashtra who has proposed to buy the property at the rate of Rs.35 lakhs per cottah.

It is submitted that this offer is not below the reserve price as fixed by the valuer.

There is no objection to this proposed sale.

In the above view of the matter, leave is granted to the Receiver to sell the subject land of about 2 bighas adjacent to Rabindra Bharati University belonging to the trust to the said Mr.Ranjit Daw at the above price.

The entire price shall be paid by the purchaser by 31st March 2014.

Possession will be handed over by the Receiver to the purchaser upon receipt of the full price.

The sale price should be paid to the trust and deposited in the bank account of the trust.

The fund received should be expended for the purpose of the free school and should be strictly accounted for.

In default of the purchaser making the entire payment as aforesaid, the sale in his favour shall stand revoked and either party i.e. the purchaser or the trustees may apply to this Court for appropriate order.

For the purpose of payment of stamp duty and registration fee the above price will be deemed to be the market price of the subject property.

Receiver, trustees, shebait, purchaser and all parties are to act on a signed photocopy of this order on the usual undertakings.

(I.P. MUKERJI, J.) R.

Bose AR(CR)

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