

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Digitally signed
by PRAVIN
DASHARATH
PANDIT
Date:
2026.09.11
19:56:37 +0530

WRIT PETITION NO. 10316 OF 2026

Yusuf Iqbal Yusuf

.. Petitioner

Vs.

Hajee Noormohammed Hajee
Janmohammed Latiff Charities &
Ors.

.. Respondents

...

Mr. Zain Shroff a/w Ms. Gaurangi Chaudhari i/by M/s. YNA Legal for
Petitioner.

Mr. Kevic Setalvad, Senior Advocate a/w Mr. Jehan Lalkaka, Mr.
Zahan Setalvad, Mr. Nimish Kothare, Mr. Nikhil Mutha, Ms. Ashwini
Sonawane i/by M/s. Nanu Hormasjee & Co. for Respondent No.1.

Mr. Surel Shah, Senior Advocate i/by Parag Tilak for Respondent
No.3.

Mr. Abhishek Pungliya for Respondent No.4.

Mrs. Neha S. Bhide, Govt. Pleader with Ms. S. D. Vyas, Addl. Govt.
Pleader and Ms. Pooja Patil, AGP for Respondent No.5.

...

**CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.**

DATE : 11th SEPTEMBER, 2026.

P.C. :

1. The instant Petition is filed under Article 226 of the
Constitution of India, *inter alia*, for the following reliefs: -

“(a) this Hon’ble Court be pleased to issue a Writ of
Certiorari or a Writ in the nature of Certiorari or any
other appropriate Writ, Order or direction quashing
and setting aside the Judgment and Order dated
29.04.2026 passed by the Learned Charity

Commissioner in Application No.31 of 2026 under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950;

(b) this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or direction directing the Learned Charity Commissioner to exercise the powers vested in him under Section 36(2) of the Maharashtra Public Trust Act, 1950 and to revoke the sanction granted by the Order dated 29.04.2026, after giving the Petitioner, the said Jamat and all persons interested in the said Trust an opportunity of being heard;

(c) this Hon'ble Court be pleased to direct that a fresh valuation of the said Property be carried out by an independent Government approved and/or Court appointed valuer and that any alienation of this said Property, if at all found necessary, be affected only by a fresh, transparent and genuinely competitive public bidding process with an upset price of Rs.29,00,00,000/- (Rupees Twenty Nine Crores only), with liberty to the Petitioner to participate therein;"

2. At the outset, the learned senior counsel for Respondent No.1 raised an objection qua the maintainability of the instant proceeding on the ground that against the order impugned, the petitioner is having an efficacious remedy to press an Application under Section 36(2) of the Maharashtra Public Trust Act, 1950 before the Charity Commissioner. There is no reason or occasion to by-pass the said statutory remedy.

2. Considering the factual situation, as emerged, and the objection raised by the learned counsel for the respondents, we are not inclined to entertain the instant Petition on the ground of efficacious alternate remedy before the Appellate Authority. The

substantial justice would be subserved in case the Petitioner prefers an Application along with Stay Application under the relevant provisions within two weeks from today. We expect the Appellate Authority shall decide the said application expeditiously.

3. With the aforesaid observations, the Writ Petition is disposed of.

4. Needless to state, we have not adverted to the merits of the matter and all contentions of the parties are kept open.

[ADVAIT M. SETHNA, J.]

[CHIEF JUSTICE]