

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3810 OF 2013

Rev. Damodhar Tukaram Khandare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. Madhubala B. Gangwal, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, A.G.P. for the Respondent No. 1.

The Respondent Nos. 2 and 3 served.

Shri Gopal C. Navandar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 09TH AUGUST, 2016.

PER COURT :

. The petitioner was appointed a presbyter in a diocese under order dated 01.12.1996. The appointment of the petitioner as a presbyter is cancelled under order dated 11.03.2013. The same is assailed in the present writ petition.

2. We have heard Mrs. Gangwal, the learned counsel for the petitioner, who submits that the person passing the impugned order has no jurisdiction and authority to pass the same.

3. Mr. Navandar, the learned counsel for the respondent No. 4

submits that, for the acts and misdeeds, order was passed and further submits that, the petitioner has remedy before the Court of diocese as per the Constitution of the Church of North India.

4. As the petitioner has an alternate remedy, we are not entering into the merits of arguments canvassed by learned counsel for respective parties. The petitioner may approach the Court of Diocese as contended by the respondent No. 4. The writ petition is disposed of with liberty to the petitioner to approach the concern forum. In case the petitioner files such proceedings before the competent forum, all contentions are kept open. The forum where the proceedings would be filed shall consider the time spent in prosecuting the present petition. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]