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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9530 OF 2014**

Mr. Prashant S. Waghmare and Anr. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Ramesh Dube- Patil i/by M/s. Jay and Co. for the Petitioners.

Mrs. M.P. Thakur, AGP for the Respondent No.1.

Mr. Bhagwan Ragho Choudhari for the Respondent Nos.2 to 9.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 9th FEBRUARY, 2016

PC.

1. By this Writ Petition which filed in August, 2014 the Petitioners have challenged the order dated 20th December, 1979 passed by the learned Joint Charity Commissioner in exercise of the powers under 50-A(1) of the Bombay Public Trusts Act, 1950. A statutory remedy is available to challenge the said order under Sub-Section (4) of Section 50A of the Bombay Public Trust Act, 1950 subject to the stipulation regarding limitation. Therefore, a Writ Petition under Article 226 of the Constitution of India cannot be entertained as far as prayer clause (a) is concerned. However, we hasten to add that the remedy will

be available subject to making out a case for condonation of delay.

2. As far as prayer clause (b) is concerned, a writ cannot be issued under Article 226 of the Constitution of India against the second Respondent which is a Church. The Petitioners will have to adopt appropriate remedy in accordance with law.

3. We decline to entertain this Petition. For the reasons set out above, the Petition is disposed of. All contentions on merits are kept open.

(C.V. BHADANG, J)

(A.S. OKA, J)