

BDPPS

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

WRIT PETITION NO. 12204 OF 2016

Sou Alka Anil Desai

....Petitioner.

v/s

South Ratnagiri District Shikshan
Prasarak Mandal & Others

..... Respondents.

Mr. Siddharth Wakankar for the Petitioner.

Mr. Uday Warunjikar a/w Siddesh Pilankar for the Respondent Nos. 1
to 3.

**CORAM: V. M. KANADE &
MS. NUTAN D. SARDESSAI, JJ.**

DATE: 28th November, 2016

P.C.:-

1. Heard the learned Counsel for the Petitioner and the learned Counsel appearing on behalf of the Respondent Nos. 1 to 3.
2. Preliminary objection is raised by Respondent Nos. 1 to 3 regarding maintainability of this Petition in this Court.
3. Perusal of the reliefs claimed by the Petitioner discloses that he is seeking an appropriate writ, restraining Respondent No.2 from acting as President of Respondent No.1 – Trust and for other consequential

reliefs. In our view, prima facie, such reliefs cannot be granted by this Court while exercising writ jurisdiction under Article 226 of the Constitution of India more particularly when the Petitioner has an alternative efficacious remedy of approaching the Charity Commissioner by filing an appropriate application seeking similar reliefs as are claimed by him in the present Petition.

4. Hence, Writ Petition is disposed of with liberty to the Petitioner to file an appropriate application before the Charity Commissioner. All contentions of the Petitioner and Respondents are kept open. If an application is filed, the same may be decided on merits and in accordance with law expeditiously by Respondent No.4.

(MS. NUTAN D. SARDESSAI, J.)

(V.M. KANADE, J.)