

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.952 OF 2016

Sheikh Javed Abdul Kader. .. Petitioner
Vs
The Charity Commissioner and Others. .. Respondents
—
None for the Petitioner.
Ms. Uma Palsule-Desai, AGP for the Respondent No.1.
—

CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 18TH NOVEMBER 2016

P.C.

None appears for the Petitioner. Going by the averments made in Petition and Exhibit-A to the Petition, an Application for intervention has been already filed by the Petitioner before the learned Charity Commissioner in an Application filed under Section 36(1)(a) of the Maharashtra Public Trust Act, 1950 by the second to fifth Respondents. A copy of the Roznama of the pending Application under Section 36(1)(a) before the learned Charity Commissioner annexed to the Petition shows that the main Application under Section 36(1)(a) of the Maharashtra Public Trust Act, 1950 is still pending.

2. By this Petition under Article 226 of the Constitution of India, the Petitioner is seeking a writ of mandamus against the learned

Charity Commissioner. The proceedings under Section 36(1)(a) of the Maharashtra Public Trust Act, 1950 have been held to be the judicial proceedings. We, therefore, decline to entertain this Petition. The Petition is rejected.

3. However, we make it clear that we have made no adjudication on the issues raised by the Petitioner by filing an Application for intervention in the pending proceedings. The said Application made by the Petitioner shall be decided in accordance with law.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)