



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8688 OF 2017

Kalidas Ankush Shinde & Ors.	...Petitioners
Versus	
Assistant Charity Commissioner, Sangli & Ors.	...Respondents

Mr. Pralhad Paranjape a/w. Mr. Manish Kelkar, for the Petitioners.

Mr. S. D. Rayrikar, AGP, for the State/Respondent Nos. 1 to 4.

CORAM : MADHAV J. JAMDAR, J.
DATED : 15th SEPTEMBER 2023

P.C. :

1. Heard Mr. Paranjape, learned counsel appearing for the Petitioners and Mr. Rayrikar, learned AGP appearing for Respondent Nos.1 to 4.

2. At the outset, Mr. Rayrikar, learned AGP raised the preliminary objection that the Writ Petition itself is not maintainable, as there is alternate remedy of filing appeal.

3. By the present Writ Petition, the Petitioners are inter alia seeking following reliefs:-

a) “This Hon’ble Court by exercising powers under Article 227 of the Constitution of India be pleased to quash and set aside the Judgment and Order dated

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21.06.2017 passed by Joint Charity Commissioner Kolhapur in suo-moto application No.6/2016 qua para 1, to the extent of appointing government servants as board of trustees in para 2 and para 3 entirely;

b) This Hon'ble Court by exercising powers under Article 227 of the Constitution of India after granting prayer clause (a) be pleased to quash and set aside the Judgment and Order dated 12.07.2016 passed by Asst. Charity Commissioner in change report Nos.1310/16, 1311/16 and further be pleased to allow the change report Nos.1310/16, 1311/16 with further direction to enter the name of the Applicants in the said change report and trustees of Shri Nath Devasthan Dighanchi, Tal:Aatpadi, Dis:Sangli."

4. As there is alternate remedy to challenge the order passed by the Joint Charity Commissioner as well as impugned order passed by the Assistant Charity Commissioner, the Writ Petition is allowed to be withdrawn with liberty to take out appropriate proceedings.

5. Mr. Paranjape, learned counsel appearing for the Petitioners states that appeal challenging the impugned order dated 21st June 2017 is already filed. The Petitioners are granted liberty to challenge the impugned order dated 12th July 2016 by filing appropriate proceedings.

6. It is clarified that this Court has not examined the merits of the case and all contentions of all the parties on merits are expressly kept open.

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7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]