



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15460 OF 2023

Ghanshyam @ Ganesh Sitaram Kurdhordkar ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Vaibhav V. Ugle a/w. Mr. Vikas Somawanshi & Mr. Shubham Vasekar,
for the Petitioner.

Mrs. V. S. Nimbalkar, AGP, for the State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 13th DECEMBER 2023

P.C. :

1. At the outset, Mrs. V. S. Nimbalkar, learned AGP appearing for the State states an alternate remedy of Appeal provided under Sub-Section 5 of Section 41E of *The Maharashtra Public Trusts Act (Bom. Act XXIX of 1950)* is available against the impugned Order dated 21st August 2023 passed by the learned Joint Charity Commissioner, Pune Region, Pune in Application No.13 of 2022.

2. In view of the above contention, Mr. Ugle, learned Counsel appearing for the Petitioner seeks withdrawal of the Writ Petition

with liberty to avail appropriate alternate remedy. He requests that, protection be granted for a limited period, as the Petitioner is residing in the premises of the Trust since the year 1950.

3. Accordingly, the Writ Petition is allowed to be withdrawn with liberty to avail an alternate remedy.

4. To give the opportunity to the Petitioner to avail an alternate remedy, clause No.3 of the impugned Order dated 21st August 2023 shall remain stayed till 31st January 2024.

5. It is clarified that this Court has not considered the merits and stay is granted without prejudice to the rights and contentions of all the parties to give opportunity to the Petitioner to avail remedy of statutory Appeal. It is also further clarified that other clauses of the operative Order dated 21st August 2023 are not stayed.

6. The Writ Petition is disposed of subject to above.

[MADHAV J. JAMDAR, J.]