

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7162 OF 2025

Mohammed Azim Gudakuwala & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 12384 OF 2025
IN
WRIT PETITION NO. 7162 OF 2025

Mohammed Azim Gudakuwala ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 11859 OF 2025
IN
WRIT PETITION NO. 7162 OF 2025

S. B. H. Inamdar ...Applicant
In the matter between:
Mohammed Azim Gudakuwala & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Anwar Hussain i/b ANFEDICT P.C., for the Petitioners.
Mr. N. C. Walimbe, Addl.G.P. a/w Ms Pooja Joshi-Deshpande, AGP
for the Respondent-State.
Mr. Pralhad Paranjape a/w Mr. Manish Kelkar, for Respondent No.
2 and 3 in WP/7162/2025.
Ms Manjiri Parasnis a/w Ms Shruti Kale, for the Intervener in
IA/11859/2025.
Mr. Ashish Venugopal, for Respondent No. 4.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 10th OCTOBER 2025.

PC:-

1. In the Writ Petition the basic challenge is to the order dated 11th October 2022 passed by the Deputy Charity Commissioner, Pune Region, Pune, wherein the Writ Petitioners have also prayed for other consequential reliefs. However, it has been pointed out by the learned counsel for the Respondents that the order dated 11th October 2022 is an appealable order and the Appeal would lie before the Joint Charity Commissioner, Pune. It has also been pointed that an Appeal preferred against the order dated 11th October 2022 by another member, is already pending before the Joint Charity Commissioner, Pune. Therefore, taking the plea of availability of alternative remedy, the maintainability of the Writ Petitioner has been questioned by the Respondents.

2. Responding to the above, Mr. Anwar Hussain, learned counsel for the Writ Petitioners submits that, although his client has not preferred any Appeal, yet, the Intervention Application earlier filed by the Writ Petitioners had been rejected. Therefore, the Writ Petitioners had no other option but to approach this Court.

3. After hearing the submissions made at the bar, we find that there is no controversy about the fact that an Appeal would lie against the order dated 11th October 2022, under Section 70(1)(C-2) of the Maharashtra Public Trust Act, 1950. If that be so and

having regard to the nature of issues raised in the Writ Petition, we are of the view that, the Petitioners should be asked to pursue the appellate remedy before the Statutory Authority.

4. In view of the above, we dispose of the Writ Petition by directing the Petitioners to prefer an Appeal before the Joint Charity Commissioner, Pune against the impugned order.

5. It is made clear that if such an Appeal is filed by the Petitioners within four weeks from today, the same, along with application for interim relief, if any, made by them, shall be considered on merit and decided by a reasoned order. If the Petitioners continue to remain aggrieved in the matter even thereafter, it would be open for them to approach this Court by filing appropriate proceeding.

6. With the above observation, the Writ Petition stands closed.

7. In view of the order passed in the Writ Petition, Interim Applications also stand disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)