



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 762 OF 2020

Digamber Pore

.. Petitioner

Versus

Deputy/ Asst. Charity Commissioner,
Gr. Mumbai Region & Ors.

.. Respondents

Adv. Harsh Nishar i/b Adv. Gaurang Jhaveri, for the Petitioner.
Adv. Gauri Sawant, AGP for Respondent No.1- State.
Adv. Manjiri P. (thr. V.C) a/w Adv. Sayali Bhaidkar a/w Adv. Shrushti Kale
for Respondent No.3.
Adv. Kalpesh Nansi for Respondent Nos. 26, 28, 35, 37 & 38.
Adv. Siddhi Vadake for Respondent Nos. 13, 18, 19, 20 21, 27, 31, 36.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: DECEMBER 17, 2025

P. C.

1. This Writ Petition challenges an Order dated 28th November, 2019 passed by the Assistant Charity Commissioner under the provisions of Section 22 of the Maharashtra Public Trusts Act, 1950 ("MPT Act").

2. The learned counsel appearing on behalf of Respondent Nos. 26, 28, 35, 37 and 38 raises a preliminary objection that, under the provisions of Section 70 of the MPT Act, an Appeal is provided against an Order of the Assistant Charity Commissioner under Section 22 of the MPT Act, to the

Charity Commissioner, and, therefore, there is an alternate remedy available and the Petitioner should be relegated to that alternate remedy.

3. In my view, the learned counsel is right in submitting that an alternate remedy is available under Section 70 of the MPT Act. Section 70(1) (b) of the MPT Act clearly provides for an Appeal against the Order of the Assistant Charity Commissioner, under the provisions of Section 22 of the MPT Act, to the Charity Commissioner.

4. Hence, the Writ Petition will have to be disposed of by relegating the Petitioner to the alternate remedy.

5. Hence, the following order is passed :

- a) Writ Petition is disposed of with liberty to the Petitioner to file an Appeal under Section 70 of the MPT Act.
- b) If the Petitioner files an Appeal under Section 70 of the MPT Act, the Charity Commissioner will consider the same on merits and without raising any issue of limitation.
- c) This Court has not expressed any opinion on the merits of the matter, and all rights and contentions of the parties are kept open.

[FIRDOSH P. POONIWALLA, J.]