

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1095 OF 2016

Mrs.Sapna Chandrakant Gojare	Petitioner
versus	
The State of Maharashtra and others	Respondents

Ms.Smita Gaidhani for Petitioner.

Mr.C.P.Yadav, AGP, for Respondents.

CORAM : D.H.WAGHELA, C.J. AND
M.S.SONAK, J.

DATE : 9th March 2016

PC :

1. The petitioner has approached this Court under Article 226 of the Constitution of India mainly with a prayer to set aside the order dated 31st July 2015, demand notice dated 15th October 2015 and order dated 9th December 2015 issued by Tahsildar, Kagal, in respect of stone crushing business of petitioner. Learned AGP appearing for the State, on advance notice, raised a preliminary objection that there is provision for statutory appeal and the petitioner should have challenged the impugned order under the provisions of Section 247 of Maharashtra Land Revenue Code, 1966 in appeal.

2. Since the impugned order imposing penalty is passed by Tahsildar and as statutory remedy of appeal is available to the petitioner, without entering into merits of the contentions of the petitioner, the petition is disposed only on the ground of availability of alternative remedy. No order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)

MST