

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.6107/2016**

**M/s Shyamsingh Devisingh Thakur Construction Company through its**  
**authorized Partner – Rahul Shamsingh Thakur**

**...Versus...**

**The Collector & Competent Authority, Collector Office, Nagpur and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Ms Richa Tiwari, Advocate for petitioner  
Shri N.H. Joshi, AGP for respondent no.1  
Shri Gahilot, Adv. h/f Shri A.M. Ghare, Adv. for respondent no.3  
Shri S.M. Kashyap, Advocate for respondent no.4

**CORAM : SMT. VASANTI A NAIK AND**  
**MRS. SWAPNA JOSHI, JJ.**

**DATE : 23.12.2016**

By this petition, the petitioner challenges the order of the Collector, Nagpur, dated 3.10.2016 in an appeal – application filed by the petitioner under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

The learned Counsel for the respondents raise a preliminary objection to the tenability of the writ petition. It is stated that against the order passed under Section 308 of the Act, the petitioner could have as well filed a revision under the provisions of Section 318 of the Act. It is stated that 75% of the work is almost complete and the cause for filing the writ petition is rendered infructuous.

Without considering the other aspect of the matter, we are inclined to uphold the preliminary objection raised on behalf of the respondents in regard to the tenability of the writ petition, in view of the existence of an alternate efficacious remedy. Having availed the remedy under Section 308 of the Act, the petitioner cannot directly file a writ petition by by-passing the remedy under Section 318 of Act.

Hence, we decline to entertain the writ petition and dismiss the same with no order as to costs. The points raised in the petitioner are however kept open.

**JUDGE**

**JUDGE**

Wadkar