

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2709 OF 2014

Abhay Hastimal Jain & Anr. Petitioners
Vs.
The State of Maharashtra & Others Respondents

Mr. Anilkumar K. Patil for the Petitioners.
Mr. B.V. Samant, AGP, for Respondent No.1 & 4 to 6.
Mr. S.S. Patwardhan for Respondent Nos.2 & 3.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : FEBRUARY 24, 2018

P.C:

1. After having heard Mr. Patil, appearing for the petitioners, we do not feel that we should interfere in writ jurisdiction in the impugned order. If the authority under the Maharashtra Land Revenue Code, 1966 ("the Code" for short), and particularly styled as City Survey Officer refuses to measure the land as prayed by the petitioners and in terms of the decree of a competent civil Court in his favour, then the remedy of the petitioners is to approach his superiors and in the hierarchy

mentioned in the said Code. The Code provides for an appellate remedy which is undisputed. If the appellate remedy can be availed of and there are officials in the hierarchy, particularly up to the rank of Collector of the District and even the Commissioner, then we do not see how the petitioners can rush to this Court and seek this Court's intervention in writ jurisdiction in such a matter. In the teeth of these plural remedies and which are equally efficacious, we do not entertain this writ petition. It is disposed of.

2. We clarify that despite affidavits being filed on record with versions on merits, we have expressed no opinion on the controversy. Secondly, if the petitioners approach the Appellate Authority with an appeal by filing it within four weeks from today, that appeal should not be dismissed only on the ground of limitation. The appeal should then be decided on merits. If the appeal is filed beyond the period of four weeks, then the petitioners will have to satisfy the Appellate Authority as to what is the sufficient cause which prevented them from approaching the Appellate Authority earlier.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)