

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.224 OF 2019

RAJU MANOHAR KHARADE AND OTHERS
VERSUS
THE DEPUTY DIRECTOR OF LAND RECORD NASIK AND OTHERS

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Advocate for Petitioners : Shri Patil Indrale Anand V.
AGP for Respondents 1 to 3 : Shri Bhagat N.T.
Advocate for Respondents 4 to 9 : Shri Rode D.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 06, 2019

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PER COURT :-

1. The petitioner seeks to challenge the order dated 28.6.2018 passed by the District Superintendent of Land Records.
2. The learned AGP submits that a statutory remedy of approaching the Deputy Director of Land Records is available to the petitioners and their entire contentions and grievances can be considered.
3. The Honourable Apex Court has recently taken a strict view in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [2019 SCCOnline SC 1292], concluding that a statutory remedy is the remedy which is to be exhausted and the availability of a statutory remedy is a near total

bar for entertaining a Writ Petition in the supervisory jurisdiction of the High Court.

4. In view of the above, this petition is disposed off with liberty to the petitioners to avail the statutory remedy as is available in law. The time spent by the petitioners in this Court from 23.12.2018 till the passing of this order shall be a good ground for seeking condonation of delay, if any. Needless to state, all the contentions of the litigating sides are kept open to be considered by the statutory authority.

5. The learned Advocate for the petitioners makes a request that as this Court has granted ad-interim protection to the petitioners on 8.1.2019, the same may be continued for a further period of six weeks so as to file the proceedings before the D.D.L.R.

6. The learned Advocate for respondents 4 to 9 opposes the said request, as the learned Division Bench had already dismissed WP No.13071 of 2018 filed by the petitioners by order dated 29.11.2018.

7. Considering the above and though under fortuitous circumstances, the order of this Court dated 8.1.2019 has been continued, no loss or prejudice would be caused to the respondents if

it is continued for the further period of six weeks. The same, therefore, stands continued until 13.12.2019. The said order would not be continued merely because this Court had granted any protection. If the petitioners pray for protection, the concerned authority would consider the said request on its own merits.

(RAVINDRA V. GHUGE, J.)

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