

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.11393 OF 2019

SURYAJI GANPATRAO JADHAV AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

A.G.P. for Respondent No.5 : Mr.S.R.Yadav

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 27th November, 2019.

PER COURT :-

1. None for the petitioners.
2. This matter was earlier adjourned on 18/09/2018 and again on 11/10/2019.
3. The petitioners seek to challenge the order passed by the Additional Divisional Commissioner Aurangabad, dated 07/12/2018 under Section 257 of Maharashtra Land Revenue Code, 1966. The matter pertains to mutation entries.

4. The petitioners have a statutory remedy of preferring a second revision before the State in view of the Judgment delivered by the Honourable Apex Court in the matter of **Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and others, [(2016) 2 Supreme Court Cases 213]**.

5. The Honourable Apex Court has recently taken a view in the matter of **Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society and Others [2019 SCC online SC 1292]** that the availability of a statutory remedy would amount to a "Near Total Bar" for entertaining the writ petition under Article 227 of the Constitution of India. The Honourable Apex Court has also held on 22/11/2019 in the matter of **Genpact India Private Limited Vs. Deputy Commissioner of Income Tax and another (Civil Appeal No.8945 of 2019)**, that even in an admitted matter by the High Court, if there is a statutory remedy, the writ petition shall be dismissed.

6. Considering the above, this petition is disposed off with liberty to the petitioners to avail of the statutory remedy. The time spent by the petitioners in this Court from 02/02/2019 till the passing of this order, would be a good ground for seeking condonation of delay.

7. All contentions of the litigating sides, including objections to the maintainability of the proceeding, are kept open.

(RAVINDRA V. GHUGE, J.)

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