

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

WRIT PETITION NO. 1999 OF 2019

ASHOK MOHAN KHARAT AND OTHERS
VERSUS
KESHAV DATTU KHARAT AND OTHERS

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Advocate for the Petitioners : Shri Shaikh Shoyab
Advocate for Respondent No. 1 : Shri S. S. Choudhary
AGP for Respondent Nos. 2 and 3 : Shri S. W. Munde

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 11th DECEMBER, 2019

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PER COURT :

1. The Petitioners have a statutory remedy available under Section 35 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

2. The Honourable Apex Court has recently delivered two judgments in the matters of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society, 2019 SCC online SC 1292*** and ***Genpact India Private Limited vs Deputy Commissioner***

Of Income Tax, decided on 22/11/2019, vide which, it is concluded that the supervisory jurisdiction of this Court under Article 227 of the Constitution of India is barred in the face of a statutory remedy and even an admitted petition should be dismissed and the parties should be relegated to the statutory remedy.

3. In view of the above, this petition is disposed off with liberty to the Petitioners to avail of the remedy. The time spent by the Petitioners from 08/02/2019 till the passing of this order, in this Court, shall be a ground for condonation of delay, if any.

(RAVINDRA V. GHUGE, J.)

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