

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12770 OF 2019

KAMALBAI SOPAN DHERE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.N.B.Narwade, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 7.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 15/10/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 20/06/2017 passed by the Additional Commissioner, Nasik with regard to mutation entries.
2. The petitioner has a statutory remedy of preferring a second RTS appeal.
3. The Hon'ble apex Court has held in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others Vs. Tuticorin Educational Society and others [2019 SCC online SC 1292] in Civil Appeal No.7764/2019, dated 03/10/2019, that a statutory remedy is

required to be availed of and the view taken by the Hon'ble Apex Court (5 Judges) in Waryam Singh Vs. Amarnath [AIR 1954 SC 215], will have to be accepted. The availability of a statutory remedy will be a 'near total bar' for the High Court in entertaining such petitions.

4. The learned Advocate for the petitioner submits that he would avail of the remedy within 6 (six) weeks from today.

5. In view of the above, this petition is disposed off. The time spent by the petitioner in this Court from 04/03/2019 until 6 weeks from today, would be a ground for considering condonation of delay, if any.

(Ravindra V.Ghuge, J.)